
(2001) 05 AHC CK 0002

In the Allahabad High Court

Case No : Civil Misc. Writ Petition No. 34243 of 2000

Akbal Singh and Others

APPELLANT

Vs

District Inspector of Schools and Another

RESPONDENT

Date of Decision : 22-05-2001

Acts Referred:

Uttar Pradesh Secondary Education Services Commission and Selection Boards Act,
1982 — Section 33A, 33B, 33B(2)

Citation : (2001) 3 UPLBEC 2169

Hon'ble Judges : R.K. Agrawal, J

Bench : Single Bench

Advocate : Sharad Malaviya, for the Appellant;

Final Decision : Allowed

Judgement

R.K. Agrawal, J.—According to the petitioners, they have been appointed as Assistant Teachers in C.T. Grade in Ram Manohar Lohia Inter College, Pakari Babu, District Deoria (hereinafter referred to as the College), on 4.1.1989. When they were not being paid their salary, they filed Civil Misc. Writ Petition No. 6605 of 1992 before this Court wherein an interim order was passed on 20.2.1992 whereby it was directed that the petitioners would continue to perform the duties of Assistant Teachers regularly till the regular selection is made and would be paid their salary. However, vide judgment and order dated 31.8.1999, this Court disposed of the said writ petition with the direction for making a fresh representation within two months before the concerned respondents who shall pass appropriate speaking order in accordance with law within three months from the date of its making, and the petitioners were to be continue in service and paid their salary till the disposal of the said representation pursuant to the aforesaid judgment.

2. The District Inspector of Schools, vide order dated 11.5.2000, has rejected the representation made by the petitioners on the ground that at that time there was ban on appointment and Selection Board has also been constituted.

3. I have heard Shri Sharad Malaviya, learned Counsel for the petitioners, the learned Standing Counsel for the respondent No. 1 and Shri O.P. Ojha learned Counsel for the respondent No. 2.

4. Earlier, the writ petition filed by the petitioners was decided by this Court with the direction to the concerned respondent to consider the claim of the petitioners for regularisation of their services in accordance with law and judgment of this Court rendered in the case of Muneshwar Dutt Pandey v. Ramji Tiwari (1991) 1 UPLBEC 1999 and the Committee of Management, Arya Nagar Inter College, Arya Nagar, Kanpur, through its Manager and another Vs. Sree Kumar Tiwary and another, as the petitioners had claimed for regularisation of their services under Sections 33(1)(A) and (B) of U.P. Secondary Education Service Commission Act, 1982 as amended by the Act No. 26 of 1991 and U.P. Act No. 1 of 1995.

5. u/s 33-B of the said Act it is provided that the regularisation is to be made by a Section Committee comprising of Regional Deputy Director of Education and two other persons as specified u/s 33-B(2) of the Act. Thus, the District Inspector or Schools was not competent authority to decide the representations made by the petitioners and he ought to have forwarded the papers to the authority to place the same before the Selection Committee as per aforesaid provisions. Thus, the order dated 4/11.5.2000 passed by the District Inspector of Schools contained in Annexure No. 13 to the writ petition cannot be sustained and is hereby set aside. The District Inspector of Schools, respondent No. 1 is directed to forward the papers to the Regional Selection Committee for consideration who shall decide the matter in accordance with law in terms of directions given by judgment and order dated 31.8.1999, within a period of three months from the date of filing of a certified copy of this order before the respondent No. 1. Further the directions given by this Court in judgment and order dated 31.8.1999 regarding continuing their services and payment of their salary shall remain operative till the disposal of the matter by the Regional Selection Committee as stated above. In the result, the writ petition is allowed.