
(2011) 03 RAJ CK 0118
In the Rajasthan High Court
Case No : Civil Writ Petition No. 923 of 2011

Bhawani Singh

APPELLANT

Vs

State of Rajasthan and Others

RESPONDENT

Date of Decision : 18-03-2011

Acts Referred:

Citation : (2011) 03 RAJ CK 0118

Hon'ble Judges : Govind Mathur, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

Govind Mathur, J.—Under an order dated 11.1.1989, appointment was given to the Petitioner, as Teacher purely on ad-hoc basis for a period of six months or till the end of educational session, whichever is earlier. On completion of educational session, the Petitioner was discontinued from service and was re-employed on inception of new educational session. Then he faced a process of selection, conducted in pursuant to an advertisement No. 5/91 and got selected. Accordingly by office-order dated 13.1.1993 regular appointment was accorded to him as Teacher Gr.III in the pay-scale of Rs. 1200-2050. On successful completion of two years term of probation, the Petitioner was confirmed in service, however, while doing so, under an order dated 22.4.1996, the date of initial appointment of Petitioner was shown as 5.7.1989, with the date of confirmation as 5.7.1991. The Respondents subsequently declared a seniority list, wherein his seniority in the cadre of Teacher Gr.III is reckoned w.e.f. 8.1.1993. Being aggrieved by the same, this petition for writ is preferred.

2. The submission of learned Counsel for the Petitioner is that the Petitioner being confirmed in service on 5.7.1991, is entitled to get his seniority reckoned from the date aforesaid.

3. I do not find any merit in the argument advanced.

4. The appointment of the Petitioner under the order dated 4.7.1989 was purely

on ad-hoc basis, without undergoing regular process of selection and that in no manner creates any substantive right for reckoning his seniority in the cadre of Teacher Gr.III. The Petitioner himself was knowing this position, therefore, he faced the process of selection initiated under the advertisement No. 5/93. As a matter of fact, the Petitioner was regularly employed as Teacher Gr.III as a consequent to the process of selection under the advertisement aforesaid, as such, whatever right accrues to him for reckoning seniority, i.e. only from the date of his regular appointment. The Respondents, therefore, rightly determined seniority of the Petitioner w.e.f. 8.1.1993. The petition for writ is having no merit, the same is accordingly dismissed.