
(1993) 05 AHC CK 0083

In the Allahabad High Court

Case No : Civil Misc. Writ Petition No. 16540 of 1993

Brahmjeet Singh Raghav

APPELLANT

Vs

Dy. Director of Education and Others

RESPONDENT

Date of Decision : 07-05-1993

Acts Referred:

Citation : (1993) 3 AWC 1803

Hon'ble Judges : Ravi S. Dhavan, J

Bench : Single Bench

Advocate : R.N. Singh and A.P. Sabi, for the Appellant;

Final Decision : Disposed Of

Judgement

Ravi S. Dhavan, J.—Brahmjeet Singh Raghav, a L.T. grade teacher at the Sri Chandi Vidalaya Inter College, Pilkhuag district ghaziabad claims that his seniority has been incorrectly fixed and that he is senior to Fakir Chandra Tyagi, Respondent No. 4. He further claims that when he made a, protest before the Committee of Management on the incorrect fixation of his seniority, the latter referred the matter to the District Inspector of Schools for a decision and that the District Inspector of Schools has also not decided the matter and kept it pending and the matter remains in this state since 1989 since when he has been making representations.

2. From the perusal of the record of the petition, there appears to be a procedural short cut taken by both the petitioner and the Committee of Management under Chapter II Clause 3 of the Regulation. The Committee of Management is obliged to maintain a seniority list under Sub-clause (e) of the aforesaid Clause. Disputes relating to the seniority of teachers are to be referred to the Committee of Management and it is obliged to give reasons for the decision it takes. This is a statutory duty which has been imposed on the Committee of Management. Thus, if what the petitioner submit is correct, then the Committee of Management cannot evade the obligation which has been put

upon it by referring the matter to the District Inspector of Schools as it must take the decision itself. To this extent, the Committee of Management referring the matter to the District Inspector of Schools of the petitioner complaining to the latter is a wrong channel,

3. Should the petitioner have raised the dispute before the Committee of Management already, then the latter is obliged to give its decision or fortify its decision by reasons. As the Committee of Management has yet to act, in reference to the context, the question of the petitioner being aggrieved at present and preferring an appeal to the Inspector (Now the Regional Deputy Director of Education) under Sub-clause (f) of Clause 3, Chapter II to the Regulations does not arise. In case, the papers are pending at the level of the District Inspector of Schools or the Deputy Director of Education. Winch ever may be the case, then they shall return the papers to the Committee of Management and ensure that a decision may be taken by indicating a date by which the Committee of Management must act so that which ever teacher is aggrieved may take recourse to an appeal as provided.

4. In these circumstances, no writ may issue in the present petition and it is laid to rest.