

(1997) 04 AHC CK 0155
In the Allahabad High Court
Case No : Special Appeal No. 599 of 1993

Committee of Management, Tarun Inter College	APPELLANT
Vs	
District Inspector of Schools and Others	RESPONDENT

Date of Decision : 02-04-1997

Acts Referred:

Uttar Pradesh Secondary Education Services Commission and Selection Boards Act, 1982 — Section 18

Citation : (1997) 04 AHC CK 0155

Hon'ble Judges : D.P. Mohapatra, C.J; R.A Sharma, J

Bench : Division Bench

Advocate : R.N. Singh and G.K. Singh, for the Appellant;

Final Decision : Allowed

Judgement

D.P. Mohapatra, C.J. and R.A Sharma, J.—Heard Sri G. K. Singh for Appellant, learned standing counsel for Respondents 1 and 2 and Sri R. K. Jain for Respondent No. 3.

2. Feeling aggrieved by dismissal of its writ petition Civil Misc. Writ Petition No. 24337 of 1993. the Committee of Management. Tarun Inter College. Kunda Kuchai. District Mau through its Manager Sri Markandey Singh has filed this appeal challenging the judgment/order dated 25.8.1993. The factual backdrop of the case relevant for appreciating the points raised may be stated thus.

3. A requisition was sent by the Manager of the institution to the U.P. Secondary Education Service Commission for appointment of a L.T. Grade Teacher in Hindi for High School. Since the Commission failed to make the appointment within the specified period so the District Inspector of Schools appointed Respondent No. 3 as ad hoc L. T. Grade Teacher in Hindi u/s 18 of the Act as amended by U.P. Act No. XXIV of 1992. The Committee of Management challenged the said appointment mainly on the ground that Respondent No. 3 does not fulfil the minimum educational qualification prescribed for the post. Undisputedly, the

qualification prescribed for High School (Classes 9 and 10) under the U.P. Intermediate Education Act is (i) B. A. with Hindi and Sanskrit subject and L. T. or B. T. or B. Ed. or other equivalent degree or diploma in education teaching or (ii) Sahitya Ratna (2 years course) Hindi Sahitya Sammelan, Prayag in which Sanskrit subject should have been taken as ancient language and refresher course training.

4. Concededly. Respondent No. 3 is an Arts graduate (B. A.) with Hindi as a subject and Sanskrit as a subject upto Intermediate Level only. Therefore, he does not fulfil the required qualification of having Sanskrit as a subject In B. A. The case of Respondent No. 3 is that he may not be qualified to teach in Classes 9 and 10 but he does not lack qualification for teaching in lower classes i.e., 6, 7, and 8. This case seems to have been accepted by the learned single Judge.

5. It was not disputed before us that under the relevant statutory provisions, as they stand now, there is no distinction between teaching of Classes 6 to 8 and Classes 9 and 10. L. T. Grade teachers are competent and may be required to teach in all these classes. Indeed, C. T. Grade which comprises of teachers for teaching in Classes 6 to 8 has been declared as dying cadre and L. T. Grade is specified cadre for teaching upto High School level. The position is also not disputed that under the statutory provisions framed under the Act, there is no power vested in any authority to either grant exemption from minimum educational qualification prescribed or to make any distinction amongst L. T. Grade teachers in relation to the classes they may be required to teach. In that view of the matter, the case pleaded by Respondent No. 3 that though he is not qualified to teach in Classes 9 and 10, he may be retained in service for teaching the subject in Classes 6 to 8 is unacceptable.

6. The learned single Judge in the impugned judgment/order has merely noticed the case of the parties and the contention raised by the learned Counsel on their behalf but has not recorded any finding nor given any specific reasons for not accepting the case of the Petitioner Committee of Management.

7. On the analysis made and for the reasons stated in the foregoing paragraphs, the appeal is allowed and the impugned judgment/order dated 25.8.1993 dismissing Civil Misc. Writ Petition No. 24337 of 1993 is set aside. The said writ petition is allowed and the appointment of Respondent No. 3, Dhani Ram, as L.T. Grade teacher of the institution is annulled.