
(2003) 01 AHC CK 0062
In the Allahabad High Court
Case No : C.M.W.P. No. 45379 of 2002

Dr. Ajit Kumar Saraswat

APPELLANT

Vs

Shiksha Nideshak (Uchcha Shiksha) Uchcha Shiksha
Nideshalaya and Others

RESPONDENT

Date of Decision : 30-01-2003

Acts Referred:

Uttar Pradesh Higher Education Services Commission Act, 1980 — Section 18

Citation : (2003) 2 AWC 1384 : (2003) 1 UPLBEC 681

Hon'ble Judges : Prakash Krishna, J;M. Katju, J

Bench : Division Bench

Advocate : Govind Saran, for the Appellant; Ashok Khare, Shashi Nandan and Rajesh Kumar Singh and S.C., for the Respondent

Final Decision : Allowed

Judgement

M. Katju and Prakash Krishna, JJ.—We have heard learned counsel for the parties.

2. Admittedly the petitioner has been selected by the U. P. Higher Education Service Commission for the post of Principal and the placement order of the Director, Higher Education dated 6.8.2002 is Annexure-1 to the writ petition. The respondent No. 6 is only an ad hoc Principal and hence he has no right to the post. It prima facie, seems to us that the Committee of Management and the respondent No. 6 are hands in glove and they are not permitting the petitioner, who is a regularly selected candidate, to join.

3. Sri Ashok Khare, learned counsel for the respondent No. 6 states that the petitioner's selection is illegal because the post in question is of the reserved category. In our opinion, this argument advanced by the learned counsel for the respondent No. 6 is not available to him as the respondent No. 6 is only an ad hoc Principal and hence, he has no right to the post.

4. The petition is, therefore, allowed and a mandamus is issued to the respondent No. 5 Committee of Management to allow the petitioner to join as

regular Principal of the institution in question forthwith and issue appointment letter to him.