
(2013) 02 AHC CK 0009
In the Allahabad High Court
Case No : C.M.W.P. No. 43383 of 2001

Dr. Ashok Kumar Misra and Others

APPELLANT

Vs

State of U.P. and Others

RESPONDENT

Date of Decision : 14-02-2013

Acts Referred:

Citation : (2014) 103 ALR 158 : (2014) 2 AWC 1111 : (2014) 2 UPLBEC 1215

Hon'ble Judges : Zaki Ullah Khan, J; Satya Poot Mehrotra, J

Bench : Division Bench

Final Decision : Dismissed

Judgement

Zaki Ullah Khan, J.—The present writ petition has been filed by the petitioners under Article 226 of the Constitution of India, inter alia, praying for quashing the Order dated 13.9.2001 passed by the respondent No. 4 (Annexure-13 to the writ petition). It appears that the petitioners were appointed as Guest Lecturers in various departments in Tilakdhari Homeopathic Medical College, Jaunpur.

2. It further appears that by the Government Order dated 1st May, 2000, the scheme of appointment as Guest Lecturers was suspended by the State Government whereupon the petitioners filed a writ petition before this Court being Civil Misc. Writ Petition No. 24257 of 2000. This Court passed the following Interim Order dated 19.5.2000 in the said writ petition:

Until further orders petitioner shall be allowed to continue functioning as ad hoc Lecturer till regular selection is made on the post.

3. Thereafter, it appears that the Government Order dated 17.2.2001 was issued by the State Government in exercise of powers conferred under the Uttar Pradesh Homeopathic Medical Colleges (Acquisition and Miscellaneous Provisions) Act, 1981.

4. As per the provisions of the said Government Order, the aforesaid Tilakdhari Homeopathic Medical College, Jaunpur was merged with Shri Lal Bahadur Shastri

Medical College, Allahabad.

5. The petitioners were relieved from the erstwhile Tilakdhari Homeopathic Medical College, Jaunpur for joining in the aforesaid Shri Lal Bahadur Shastri Medical College, Allahabad. However, the respondent No. 4 did not allow the petitioners to join in the said College.

6. Thereupon, the petitioners filed another writ petition before this Court being Civil Misc. Writ Petition No. 8507 of 2001. This Court by the Order dated 12.3.2001 disposed of the said writ petition, inter alia, permitting the petitioners to make a Representation to the authority concerned, and the authority concerned was directed to decide the same in accordance with law by a speaking order within the period mentioned in the said Order dated 12.3.2001.

7. Pursuant to the said Order dated 12.3.2001, the respondent No. 4 considered the Representation submitted by the petitioners and rejected the same by the Order dated 13.9.2001, inter alia, observing that no extra lecturer was required for teaching the subjects which the petitioners had been teaching as Guest Lecturers, and as such, there was no justification or necessity to invite the petitioners as Guest Lecturers for teaching the said subjects. Copy of the said Order dated 13.9.2001, as mentioned above, has been filed as Annexure-13 to the writ petition.

8. Thereafter, the petitioners have filed the present writ petition before this Court seeking the reliefs, as mentioned above.

9. Affidavits have been exchanged between the parties in the present writ petition, and the same is being disposed of at this stage with the consent of the learned Counsel for the parties.

10. We have heard Shri A.N. Pandey, learned Counsel for the petitioners and the learned Standing Counsel appearing for the respondent Nos. 1 to 4.

11. It is submitted by Shri A.N. Pandey, learned Counsel for the petitioners that the respondent No. 4 acted illegally in rejecting the Representation submitted by the petitioners. It is submitted that the petitioners ought to have been permitted to join Shri Lal Bahadur Shastri Medical College, Allahabad after the merger of the erstwhile Tilakdhari Homeopathic Medical College, Jaunpur with Shri Lal Bahadur Shastri Medical College, Allahabad.

12. The learned Standing Counsel appearing for the respondent Nos. 1 to 4 submits that the petitioners were only Guest Lecturers and they were not entitled to claim any regular employment in Shri Lal Bahadur Shastri Medical College, Allahabad.

13. It is further submitted by the learned Standing Counsel appearing for the respondent Nos. 1 to 4 that the controversy involved in the present writ petition has already been decided by this Court in cases of certain other doctors, who were similarly situated as the petitioners in the present writ petition.

14. The learned Standing Counsel appearing for the respondent Nos. 1 to 4 refers to the following decisions:

(1) Judgment dated 17.1.2002 in Civil Misc. Writ Petition No. 21496 of 2001 (Dr. Vijay Pratap Singh and another v. State of U.P. and others).

(2) Judgment dated 30.6.2009 in Civil Misc. Writ Petition No. 273 of 2001 (S/B) (Dr. K.K. Singh and other v. State of U.P. and others).

15. In Dr. Vijay Pratap Singh case (supra), a Division Bench of this Court has held that appointment as Guest Lecturers confers no right to continue on the post, and the engagement can be discontinued at any time.

16. In Dr. K.K. Singh case (supra), a Division Bench of this Court has opined that the petitioners, who were merely Guest Lecturers, have no right to claim regular employment or continuation in the college as "Guest Lecturers".

17. We are in respectful agreement with the above decisions. The petitioners in the present writ petition were merely appointed as Guest Lecturers in the Year 1998 in the erstwhile Tilakdhari Homeopathic Medical College, Jaunpur. After merger of the said college with Shri Lal Bahadur Shastri Medical College, Allahabad, the college did not find necessity of having Guest Lecturers for teaching the subjects which the petitioners had been teaching, and therefore, the petitioners were not continued as Guest Lecturers. The petitioners have no right to claim continuation as Guest Lecturers or seek regular employment in Shri Lal Bahadur Shastri Medical College, Allahabad.

18. In view of the above discussion, the writ petition filed by the petitioners lacks merits, and the same is liable to be dismissed. The writ petition is accordingly dismissed.