
(2003) 02 AHC CK 0107
In the Allahabad High Court
Case No : C.M.W.P. No. 19399 of 2002

Dr. Kavita Srivastava

APPELLANT

Vs

Principal Secretary (Higher Education)

RESPONDENT

Date of Decision : 11-02-2003

Acts Referred:

Constitution of India, 1950 — Article 14

Citation : (2003) 2 AWC 1178 : (2003) 1 UPLBEC 689

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

Bench : Division Bench

Advocate : S.K. Srivastava and A.K. Srivastava, for the Appellant;

Final Decision : Allowed

Judgement

M. Katju, J.—This writ petition has been filed for quashing the impugned order dated 10.8.2001 Annexure-1 to the writ petition and for a mandamus directing the respondent to add the earlier service of the petitioner rendered in Awadhesh Pratap Singh University, Rewa to the present service of the petitioner in Kulbhaskar Ashram Degree College, Allahabad.

2. In this case, on 10.5.2002, learned standing counsel was granted one month's time to file counter-affidavit but as yet no counter-affidavit has been filed. We, therefore, treat the allegations in the writ petition to be correct.

3. We have heard learned counsel for the petitioner and learned standing counsel.

4. The petitioner is working as lecturer in Mathematics in Kulbhaskar Ashram Degree College, Allahabad which is affiliated to Chhatrapati Sahuji Maharaj Kanpur University. The petitioner had worked as lecturer in Mathematics in Awadhesh Pratap Singh University, Rewa from 20.1.1994 to 3.4.1996 after which she joined as lecturer in Kulbhaskar Ashram Degree College, Allahabad on 4.4.1996. True copy of the appointment orders of both the Colleges are Annexure-5 to the writ petition. The petitioner has been confirmed as lecturer in Mathematics vide order dated 3.6.1997 vide Annexure-8 to the writ petition. She

has claimed that her service in Awadhesh Pratap Singh University, Rewa should be added to her service in Kulbhaskar Ashram Degree College, Allahabad. She made several representations in this connection vide Annexures-12 and 13 to the writ petition. The petitioner has relied on the Government Order dated 30.6.1992 and 19.2.1996 which provide for adding of the prior service rendered outside the State. True copy of the representations dated 30.11.1999 along with relevant Government Orders are Annexure-9 to the writ petition. The petitioner relied on the decision of the Supreme Court in Sharadendu Bhushan Vs. Nagpur University, Nagpur and Others, in which the prior service of a lecturer was added to the present employment even though there was a break of two years in between. The petitioner made several more representations vide Annexure 10 to the writ petition. The Director of Higher Education made a recommendation dated 19.7.2000 in petitioner's favour vide Annexure-11 to the writ petition. The petitioner had also filed Writ Petition No. 12647 of 2001 in this Court which was disposed of with the direction that her representation be decided within two months. She sent reminder dated 9.5.2001 vide Annexure-13 to the writ petition. Ultimately, the impugned order dated 10.8.2001 was passed rejecting the claim of the petitioner.

5. The petitioner has referred to the case of Jagdish Prasad Gaur, lecturer in Commerce in I. P. College, Bulandshahr in which Dr. Gaur was granted the same benefit being claimed by the petitioner vide Annexure-4 to the writ petition.

6. We have perused the order dated 19.2.1996 Annexure-4 to the writ petition in the case of Dr. Gaur and we find that Dr. Gaur has been given the same benefit being claimed by the petitioner in this case. We cannot see how the respondent can discriminate against the petitioner when a similar benefit has been given to Dr. Gaur. Any such discrimination will violate Article 14 of the Constitution.

7. For the reasons given above, this petition is allowed. The impugned order dated 10.8.2001 is quashed. A mandamus is issued to the respondent to add the service of the petitioner rendered in Awadhesh Pratap Singh University, Rewa to her present service and give all consequential benefits.