
(2002) 01 AHC CK 0082
In the Allahabad High Court
Case No : C.M.W.P. No. 863 of 2002

Dr. R.C. Gupta

APPELLANT

Vs

State of U.P. and Others

RESPONDENT

Date of Decision : 09-01-2002

Acts Referred:

Citation : (2002) 1 AWC 824 : (2002) 93 FLR 874 : (2002) 1 UPLBEC 767

Hon'ble Judges : S.K. Singh, J;M. Katju, J

Bench : Division Bench

Advocate : Nitin Gupta and Ravi Bhushan Singhal, for the Appellant; Anurag Khanna and S.C., for the Respondent

Final Decision : Dismissed

Judgement

M. Katju and S. K. Singh, JJ.—Heard learned counsel for the petitioner and Sri Anurag Khanna who has appeared on behalf of respondents.

2. The petitioner has completed the age of sixty years on 31.12.2001 and he was acting Principal of the institution in question. Learned counsel for the petitioner submitted that the petitioner has a right to continue as acting Principal till 30.6.2002. We do not agree with this submission and we are of the opinion that the petitioner can continue only as Lecturer till 30.6.2002 and not as acting Principal. In this connection the Supreme Court in S.K. Rathi Vs. Prem Hari Sharma and Others, held that a person cannot continue as acting Principal after he crosses the age of sixty years. It appears that subsequently a Government order was issued by the U. P. Government on 2.6.2001 which was amended by a subsequent Government order dated 5.7.2001. The Government order dated 5.7.2001 has clarified that an ad hoc Principal cannot perform the function of Principal after he crosses the age of sixty years.

3. Learned counsel for the petitioner submitted that there is no difference between a permanent Principal and an ad hoc or acting Principal. We do not agree. There is a very basic difference between the two, and that is that whereas

a permanent Principal has a right to the post of Principal, an ad hoc principal has no such right. It is settled law that an ad hoc, temporary or officiating employee has no right to the post. Hence, we hold that a permanent Principal in a Degree College can continue as Principal till 30th June next following after his age of superannuation, but an ad hoc or acting Principal can only continue as Lecturer till 30th June, after he crosses the age of superannuation, but not as Principal.

4. The petitioner is accordingly dismissed.