

(2013) 02 AHC CK 0008
In the Allahabad High Court
Case No : C.M.W.P. No. 1357 of 2002

Dr. Shailesh Kumar Singh

APPELLANT

Vs

State of U.P. and Others

RESPONDENT

Date of Decision : 14-02-2013

Acts Referred:

Citation : (2014) 103 ALR 72

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 petitioner 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 petitioner was appointed as Guest Lecturer in Pathology Department 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 petitioner alongwith others 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 petitioner was 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 petitioner to join in the said College.

6. Thereupon, the petitioner alongwith others 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 petitioner 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 petitioner and rejected the same by the Order dated 13.9.2001, inter alia, observing that no extra lecturer was required for teaching the subject which the petitioner had been teaching as Guest Lecturer, and as such, there was no justification or necessity to invite the petitioner as Guest Lecturer for teaching the said subject. 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 petitioner has 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 petitioner 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 petitioner that the respondent No. 4 acted illegally in rejecting the Representation submitted by the petitioner. It is submitted that the petitioner 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 petitioner was only Guest Lecturer and he was 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 petitioner 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 others 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 petitioner, who was merely Guest Lecturer, has no right to claim regular employment or continuation in the college as "Guest Lecturer".

17. We are in respectful agreement with the above decisions. The petitioner in the present writ petition was merely appointed as Guest Lecturer 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 Lecturer for teaching the subject which the petitioner had been teaching, and therefore, the petitioner was not continued as Guest Lecturer. The petitioner has no right to claim continuation as Guest Lecturer 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 petitioner lacks merits, and the same is liable to be dismissed. The writ petition is accordingly dismissed.