

(2002) 03 AHC CK 0032
In the Allahabad High Court
Case No : C.M.W.P. No. 44557 of 2001

Dr. Vinodani Tiwari

APPELLANT

Vs

State of U.P. and Others

RESPONDENT

Date of Decision : 16-03-2002

Acts Referred:

Citation : (2002) 2 AWC 1299 : (2002) 93 FLR 557 : (2002) 2 UPLBEC 1051

Hon'ble Judges : Rakesh Tiwari, J;M. Katju, J

Bench : Division Bench

Advocate : Mool Behari Saxena and K.K. Nirkhi, for the Appellant; Ashok Khare, S.C. and A.K. Singh, for the Respondent

Final Decision : Dismissed

Judgement

M. Katju, J.—This writ petition has been filed by the petitioner for quashing the impugned advertisement published on 8.7.2000 Annexure-9 to the petition and for restraining the respondent No. 3, the U. P. Higher Education Service Commission from making any selection in pursuance to the said advertisement. It has also been prayed that the petitioner be allowed to continue to function as ad hoc lecturer in the institution in question.

2. Heard learned counsel for the parties.

3. The petitioner was appointed as lecturer in Sanskrit in the Institution in question by order dated 10.9.1998, Annexure-2 to the petition, on emolument of Rs. 100 per lecture and maximum of Rs. 5,000 per month till 30.6.1999. The appointment letter itself states that the appointment will come to an end on regular selection by the U. P. Higher Education Service Commission. Thus, the petitioner was only on honorarium at Rs. 100 per lecture. It is alleged in para 35 of the writ petition that the petitioner has taught for 3 years but now the post has been advertised by the Commission.

4. An impleadment application has been filed by Dr. Archana Srivastava which we allowed allowing her impleadment as respondent No. 4. The respondent No. 4

stated that a selection for the post in question was held by the Commission in which Dr. Archana Srivastava participated and she has been selected. The Director of Higher Education has also recommended her appointment on the post in question. However due to the interim order in this case Dr. Archana Srivastava has not yet been able to get appointment.

5. In our opinion, when regular selection has been made by the Commission on the post in question the petitioner has no right to continue, as stated in her appointment itself. In view of the aforesaid, there is no merit in the petition and it is accordingly dismissed. The interim order, if any, is vacated.