

(1977) 09 RAJ CK 0002

In the Rajasthan High Court

Case No : Civil Writ Petition No. 1440 of 1972

Govind Ram Gupta

APPELLANT

Vs

Director of Primary and Secondary Education and Others

RESPONDENT

Date of Decision : 12-09-1977

Acts Referred:

Citation : (1977) WLN 330

Hon'ble Judges : D.P. Gupta, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

D.P. Gupta, J.—The petitioner was a Head Master of a Government Upper Primary School. Later on he was transferred to the post of an Assistant Teacher in a Higher Secondary School. The petitioner thereupon filed this writ petition challenging the aforesaid order, of his transfer on the ground that the same amounted to reversion of the petitioner to a lower post. By the state order passed by this Court on September 6, 1972 the respondents were directed to maintain status quo in regards to the petitioner's present posting. This interim stay order was subsequently confronted by this Court on July 21, 1975 after hearing both the parties. Thus the petitioner continued to hold the post of Head Master of a Upper Primary School. The respondent's case is, that by the order of the Deputy Director of Education, jodhpur dated 19-11-75, the petitioner was compulsorily retired under Sub-rule (2) of Rule 244 of the Rajasthan Service Rules on payment to him of three months, pay and allowances in lieu of three months notice. The petitioner preferred a revered application but the same was also dismissed on August 5, 1976 by the review committee, constituted by the State Government or the purpose. In view of the subsequent compulsory Retirement of the petitioner from the Government Service and in view of the fact that until the date of his aforesaid compulsory, retirement the petitioner continued to hold the post of Head Master Of a Upper Primary School, oh the basis of the stay order passed by this Court, this writ petition has become

infructuous, as in the aforesaid circumstances the petitioner is not flow entitled to any further relief.

2. The writ petition is consequently dismissed having become infructuous. The parties are left to bear their, own-costs.