
(1992) 05 AHC CK 0057

In the Allahabad High Court

Case No : Civil Miscellaneous Writ Petition No. 10687 of 1992

Indrapal Singh

APPELLANT

Vs

State of U.P.& Others

RESPONDENT

Date of Decision : 01-05-1992

Acts Referred:

Constitution of India, 1950 — Article 226

Uttar Pradesh Higher Education Services Commission Act, 1980 — Section 14, 31C

Citation : (1992) 05 AHC CK 0057

Hon'ble Judges : M.Katju, J

Final Decision : Dismissed

Judgement

1. The petitioner was appointed as lecturer in 1973 in Krishak Degree College, Gaur, Basti and was appointed as adhoc Principal on 311088. Subsequently on 16891 Dr. Rama Shanker Rai was selected as Principal of the Institution by the U.P. Higher Education Service Commission. The committee of Management challenged the selection of Dr. Rama Shanker Rai in a writ petition in this court in which initially a stay order was granted but subsequently it has been vacated. The petitioner has claimed the benefit of the Ordinance no. 43 of 1991. In my opinion the petitioner is not entitled to the benefit of the said ordinance specifically excludes the principal for the purposes of granting the said benefit of regularisation. Accordingly, Dr. Rama Shanker Rai is entitled to be appointed as Principal and I direct that he shall be appointed as Principal, Krishak Degree College, Gaur, Basti within one month of production of certified copy of this order.

2. Before parting with this case I would like to mention that there have been several cases coming before this court where a person is selected as Principal by the Higher Education Service Commission but the management of the institution does not permit him to join the institution for which he has been selected. This is wholly illegal because if the selected person is not allowed to join as Principal of the institution then the very purpose of the Commission becomes redundant. Hence I issue a general mandamus that if a person has been selected as principal of a degree college by the U.P. Higher Education Service Commission he

must be appointed as Principal within one month of production of the recommendation by him before the Manager of the Institution concerned unless the nonappointment can be justified by the management on some legal ground and any violation of this mandamus will make the Manager or other person controlling the institution liable to contempt proceedings.

3. With these observations, the writ petition is dismissed.

4. Copies of this order will be sent to the Director of Higher Education, U.P. Allahabad as well as Secretary of U.P. Higher Education Service Commission, Allahabad and Secretary Education Department, U.P.

(Petition dismissed.)