
(2010) 04 AHC CK 0141
In the Allahabad High Court
Case No : Special Appeal No.188 of 2010

Jagdish Maurya

APPELLANT

Vs

State of U.P.

RESPONDENT

Date of Decision : 07-04-2010

Acts Referred:

Citation : (2010) 04 AHC CK 0141

Hon'ble Judges : Pradeep Kant, J and Shabihul Hasnain, J

Final Decision : Dismissed

Judgement

1. Heard learned counsel for the appellant Sri Sudeep Seth and Sri Jyotinjay Verma for the respondents.

2. This special appeal has been filed against the order dated 11.3.2010 passed by learned Single Judge dismissing the writ petition preferred by the appellant challenging the policy/government order dated 29th June, 2002 which prescribed that the appointment on the post of Coordinator, Block Resource Centre, would be only for two years and that after two years such appointee would not have any right to continue and fresh appointment would be made.

3. Sri Sudeep Seth assailing the aforesaid order urged that a person who has been appointed after selection can not be replaced after two years and every time fresh selection can not be made and that it is also not the intention of the scheme to appoint a fresh person after every two years, as prior to issuance of the government order dated 29.6.2002, the appointments were being made and continued as per policy of the government order dated 1.9.2001 which did not prescribe any such time limit for appointment.

4. He, in support of his plea, has referred to a Division Bench judgment of this Court in the case of Pramod Kumar Singh and another v. State of U.P. and others passed in Special Appeal No.783 and 642 of 2007 decided on September, 25, 2007, 2008 (26) LCD 682. in which one of us (Pradeep Kant, J.) was a Member.

5. In the case of the Pramod Kumar Singh the Court considered that there was a provision for renewal of appointment of Shiksha Mitra under the relevant scheme and government order and, therefore, directed that before making any fresh appointment of Shiksha Mitra in the new academic session, the case of already appointed Shiksha Mitra be first considered for renewal of appointment, but no such provision exists under the present scheme of appointment of Coordinator, therefore, the aforesaid judgment is of no assistance to the appellant.

6. Sri Jyotinjay Verma appearing for the respondent, in response submitted that the basic qualification for being appointed on the post of Coordinator, Block Resource Centre is that the person should be working on the post of Assistant Teacher and in case after two years he is not allowed to work as Coordinator, Block Resource Centre, he would be sent back on that post and, therefore, it can not be said that any right of the respondents has been affected by the aforesaid scheme.

7. His further submission is that this is a policy decision taken by the State Government with respect to working and functioning on the post of Coordinator, Block Resource Centre and since it does not affect the service conditions of any incumbent appointed on the said post as they maintain their lien on their substantive post, they cannot claim any extension of service unless it is provided under the relevant government orders.

8. He has placed reliance on the Division Bench judgment passed in Special Appeal No.164 of 2010, Krishna Pal Singh v. State of U.P. and others, wherein the special appeal was dismissed which also refused any extension to the incumbent after two years on the post of Coordinator.

9. Sri Sudeep Seth submitted that the aforesaid case of Krishna Pal Singh did not challenge the policy/government order dated 29th June, 2002 and therefore, it can not be relied upon in the present case, where the said government order is under challenge.

10. A perusal of the appointment order of the appellant dated 3.6.2006 itself clarifies and recites that this posting (Coordinator) is purely temporarily and it will be valid only for a maximum period of two years. The appointment, thus, made on the post of Coordinator, Resource Centre was made for a period of not more than?? two years. It further provided that if any dereliction of duties is found in the performance or working this posting can be cancelled/revoked any time without any notice and the incumbent would be reverted to his parent department on substantive post apart from the fact that disciplinary proceedings can also be initiated.

11. The appellant was admittedly appointed as Coordinator, Block Resource Centre after the issuance of the government order dated 29.6.2002. He very well knew that his posting was only for two years and, thereafter, he has to return to his parent department. The appellant, thus, can not legitimately claim that he be allowed to continue after two years.

12. The policy of the State Government otherwise is not to give employment or service to any new incumbent but as a matter of fact, it takes the assistance of the person who are already in service, may be that because of their experience, they are posted as Coordinator for the limited period of two years but in no case a person who retains his lien in the parent department on his substantive post, can complain that he should be allowed to work on a different post may be on deputation or otherwise beyond the period prescribed. No right of the appellant can be said to have been affected nor any prejudice can be said to have been caused to the appellant by not extending the term.

13. For the reasons stated hereinafter, we find that the appellant can not claim extension of his service on the post of Coordinator. The order passed by the learned Single Judge is affirmed.

14. Special appeal is dismissed.

(Appeal dismissed)