
(2008) 12 AHC CK 0260
In the Allahabad High Court

Kaushal Kishore

APPELLANT

Vs

State of U.P.Through Secy.Basic Shiksha Civil Sectt.Lko.and

RESPONDENT

Date of Decision : 03-12-2008

Acts Referred:

Citation : (2008) 12 AHC CK 0260

Hon'ble Judges : Bala Krishna Narayana, J

Final Decision : Allowed

Judgement

Heard learned counsel for the petitioner, learned Standing Counsel for the opposite parties no.1 and 3 and Sri B.L. Verma, learned counsel appearing for the opposite party no.2. None appears for opposite party no.4.

Counter and rejoinder affidavits have been exchanged and with the consent of the parties counsel, the writ petition is decided finally.

The instant writ petition has been filed by the petitioner for quashing the orders dated 06.05.2008/13.05.2008 passed by the opposite party no.2 by which the opposite party no.2 refused to renew the petitioner's term to be appointed as Shiksha Mitra for the session 20082009 on the basis of proposal of Gram Shiksha Samiti.

It has been submitted by the learned counsel for the petitioner that after issuance of the Government Order dated 15.06.2007, the District Magistrate of the concerned district can renew the term of a Shiksha Mitra on the basis of proposal of Gram Sabha and since in the present case the impugned order refusing to renew the petitioner's terms as Shiksha Mitra has been passed on the basis of proposal of Gram Shiksha Samiti the same is wholly illegal and is totally unsustainable at law.

Sri B.L. Verma, learned counsel appearing for the opposite party no.2 has very fairly submitted that after issuance of the Government Order dated 15.06.2007, the District Magistrate can renew or refuse to renew the term of a Shiksha Mitra on the basis of proposal of Gram Panchayat. Thus, it is obvious from what has

been urged by the learned counsel for the parties that the impugned order passed by the opposite party no.2 refusing to renew the petitioner's term as Shiksha Mitra for the session 20082009, which has been passed on the basis of proposal of the Village Education Committee is absolutely illegal and unsustainable at law.

In view of the aforesaid, the writ petition is allowed. The impugned order dated 05.06.2008 passed by the opposite party no.2 is quashed. It is further provided that the opposite party no.3 shall consider the claim of the petitioner for renewal of his term as Shiksha Mitra for the session 20082009 and passed suitable orders strictly in accordance with law keeping in view the Government Order dated 15.06.2007 by a speaking and reasoned order as expeditiously as possible preferably within a period of one month from the date of production of certified copy of this order.