

(1997) 06 AHC CK 0015

In the Allahabad High Court

Case No : Civil Miscellaneous Writ Petition No. 1917 of 1991

Keshav Das Umar

APPELLANT

Vs

District Inspector of Schools Jaunpur & Ors.

RESPONDENT

Date of Decision : 01-06-1997

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (1997) 06 AHC CK 0015

Hon'ble Judges : M.Katju, J

Final Decision : Dismissed

Judgement

M. Katju, J.—Heard counsel for the parties.

2. This writ petition has been filed against the impugned appointment order dated 8121990, AnnexureVI to the petition and the order approving the appointment of respondent No. 3 as lecturer in Hindi in the college in question.

3. In this case on 6111996 I directed the case to be listed on 19111996 and the counteraffidavit to the amendment application may be filed by that date and further directed that no further time will be granted for that purpose However, no counter affidavit has been filed to the amendment application.

4. It appears that there is an Intermediate College named as Horil Rao Inter College, Kunwarpur, Jaunpur. On the retirement of one Sobha Nath Upadhyay as Hindi lecturer on 3061990 the vacancy occurred on the post of lecturer in Hindi. The petitioner was the senior most L.T Grade teacher and he has alleged that he was fully qualified for appointment as lecturer. The petitioner made request to respondents 1 and 2 to appoint him as lecturer but no head was paid to his request and illegally respondent No. 3 was appointed on 8121990 vide Annexure6. By an amendment application the petitioner alleged that the respondent No. 3 had submitted a forged marksheets regarding "Shastri" examination from Sampurnanand Sanskrit University, Varanasi of the year 1986 vide paragraph 5 and 6 of the supplementary affidavit in support of the

amendment application. By an interim order dated 231 1991. This Court had directed that until a regularly selected candidate by the Commission joins the post, the petitioner will be promoted as lecturer in Hindi in the College provided he satisfies all the eligibility qualification and there is nothing against his conduct and the impugned order, dated 8121990 was stayed.

5. Since no counteraffidavit has been filed to the amendment application, the facts alleged in the supplementary affidavit in support of the said application have to be treated as correct once I hold that the appointment of respondent No. 3 was illegal as it was obtained by submission of forged and fictitious mark sheet. Hence the impugned order dated 8121990 and 521991 are set aside. The respondents are directed to consider the petitioner for promotion as lecturer in accordance with law expeditiously.

6. The petition is allowed. No order as to costs.