

(2010) 07 UK CK 0103
In the Uttarakhand High Court

Krishna Singh Chauhan and Others

APPELLANT

Vs

State of Uttarakhand and Others

RESPONDENT

Date of Decision : 05-07-2010

Acts Referred:

Citation : (2010) 07 UK CK 0103

Hon'ble Judges : Brahma Singh Verma, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

B.S. Verma, J.—Heard learned Counsel for the parties and perused the record.

2. By means of this writ petition, the petitioners have sought a writ in the nature of mandamus directing the respondents to grant the benefits to the petitioners on the post of Shiksha Mitra in the light of the Government Orders dated 28-6-2006, 15-12-2006 and 14-2-2008. Petitioners have further prayed for a writ of mandamus directing the respondents to pay the honorarium to the petitioners of the post of Shiksha Mitra from the date of up-gradation of the Education Guarantee Centre to Primary School Nariyaltak.

3. The petitioners claim to have been appointed as Shiksha Acharya in different Education Guarantee Scheme Centres. The educational qualification of the petitioners is graduate and the petitioners are fully eligible for appointment to the post of Shiksha Mitra. The petitioners claim that by Government Order dated 28-6-2006, the Shiksha Acharya or Shiksha Anudeshak, who were working in a particular education guarantee center would be automatically deemed to have got the status of Shiksha Mitra on the center being upgraded to Primary School and would be paid honorarium @ Rs. 4000/- per month. The petitioners also claim that as per G.O. dated 15-12-2006, in the upgraded primary school, one of the post of Shiksha Mitra will be made available to the Shiksha Acharya/ Anudeshak already working in the said Education Guarantee Centre.

4. The grievance of the petitioners is that the petitioners are not being given the

benefit of Government Order dated 28-6-2006 and 15-12-2006 as well as G.O. dated 14-2-2008 and they had neither been adjusted against the post of Shiksha Mitra nor they have been paid any salary after the up-gradation of the Education Guarantee Centre as Government Primary School.

5. On behalf of the respondents, counter affidavit has been filed.

6. Learned Brief Holder appearing on behalf of the respondents has drawn the attention of the Court to Government Order dated 4-11-2008, which has been annexed as Annexure-CA-1 to the counter affidavit.

7. From a perusal of the G.O. dated 4-11-2008 (Annexure CA-1 to counter affidavit) it is obvious that 1196 post of Assistant Teachers were created in various districts of the State to be appointed in these primary schools and that in the district of Nainital, 84 posts of Assistant Teachers were created against 42 new primary schools.

8. In the course of arguments, learned Brief Holder appearing for the State has submitted that similar controversy as involved in the present writ petition had arisen in Writ Petition No. 41 of 2010(S/S), Bala Dutt Sharma v. State of Uttarakhand and Ors. and the present writ petition is squarely covered by the order dated 2-6-2010 passed by this Court. Learned Counsel for the State has urged that his petition may be dismissed in terms of the order dated 2-6-2010.

9. I have perused the order dated 2-6-2010 passed by this Court in Writ Petition No. 41 of 2010(S/S), Bala Dutt Sharma v. State of Uttarakhand and Ors. and it has been held by the learned Single Judge of this Court that once a school has been upgraded as a primary school, teachers are required to be appointed under the provisions of the Act. I am of the view that the controversy involved in the present writ petition is almost identical and the same stood resolved by the order dated 2-6-2010.

10. The writ petition is dismissed in terms of the order dated 2-6-2010 passed by this Court in Writ Petition No. 41 of 2010(S/S), Bala Dutt Sharma v. State of Uttarakhand and Ors. The interim order dated 5-3-2010 is vacated. However, it is made clear that in the event the petitioners have worked either as Shiksha Acharya/Shiksha Anudeshak or as a Shiksha Mitra after up-gradation of the Education Guarantee Centre to a Government Primary School, pursuant to interim order of this Court, referred to above, they would be entitled to the honorarium of Shiksha Mitra as per Government Order dated 15th May 2006 as modified by subsequent Government Orders.