

**(2001) 10 MP CK 0034**

**In the Madhya Pradesh High Court**

**Case No :** Letters Patent Appeal No. 232 of 2001

Laxman Prasad Rajak and Others

APPELLANT

Vs

State of M.P. and Others

RESPONDENT

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**Date of Decision :** 10-10-2001

**Acts Referred:**

**Citation :** (2002) 1 MPHT 533 : (2002) 1 MPJR 92 : (2002) 1 MPLJ 196

**Hon'ble Judges :** Bhawani Singh, C.J;A.K. Mishra, J

**Bench :** Division Bench

**Advocate :** Anil Khare, for the Appellant; None, for the Respondent

**Final Decision :** Dismissed

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## **Judgement**

Arun Mishra, J.

This appeal is preferred by the appellants aggrieved by the order dated August 1st, 2001 passed by the learned Single Judge of this Court dismissing the Writ Petition No. 2206/2000 and several others similar writ petitions by a common order.

The appellants were appointed as "Gurujis" under the scheme called the "The Education Guarantee Scheme" which was framed by the Govt. of M.P. in furtherance of its constitutional obligation to provide free and compulsory education for all the children until they complete the age of 14 years. The petitioners were appointed as "Gurujis" on the honorarium of Rs. 500/- per month. A committee was formed on the district level for implementation of the scheme. The State level committee was also constituted. Budget provisions and disbursement of the amount are provided in para 8.2 of the policy.

In the District of Tikamgarh various centres were established under "The Education Guarantee Scheme" and 400 Gurujis were appointed. The District Project Co-ordinator by his letter dated 9-9-98 informed to all the Block Education Officers and Block Project Co-ordinators of the centres/blocks in the

District of Tikamgarh that no further centre under "The Education Guarantee Scheme" be opened without prior approval of the District Project Office. It further directed that in the centres which are already established further appointments of Gurujis be not made without prior approval of the District Project Office. Another letter dated 5-2-1999 was issued by the District Project Co-ordinator to all the Block Education Officers and Block Project Co-ordinators stating that in violation of the instructions certain appointments were made and centres were opened. Even after this communication, appointments were made in flagrant violation of the directions.

The District Project Director ordered cancellation of such appointments. The petitioners were appointed after 5-2-99. Their appointments were cancelled; hence they preferred the writ petitions before the Single Judge which have been dismissed.

Learned counsel for the appellants submits that since the appointments were made for discharging the constitution obligation, such appointments ought not to have been cancelled. They have been made by competent authority Janpad Panchayat; hence cancellation of the appointments is illegal and the appellants ought to have been continued in the service.

In view of the communication dated 28-8-98 and 5-2-99, we are of the opinion that the appointments were made in flagrant violation of the instructions that no further appointments are to be made. As such it was not open for the Janpad Panchayat to violate the instructions of the District Education Guarantee Scheme Committee. Three tier system was created. The second tier of which was the District Education Guarantee Scheme Committee which has to work for carrying out the project within the district. As per policy, the directions issued by the District Education Guarantee Scheme Committee were binding on the Janpad Panchayats and the appointments which were made were totally in violation of the instructions which created total embargo on appointments. Thus, action of the Janpad Panchayat in violating the instructions was totally illegal and impermissible. Such bodies are to function in harmony, and directions of the superior authority require observance. Since the appointments ipso facto were made in illegal manner, hence cancellation of such appointments cannot be said to be illegal in any manner. The learned Single Judge has already held that such persons shall be entitled for the honorarium for the period they had worked.

We find no merit in the appeal. The same is dismissed.