
(1993) 04 AHC CK 0094

In the Allahabad High Court

Case No : Civil Miscellaneous Writ Petition No. 5968 of 1993

Madan Dixit

APPELLANT

Vs

District Inspector of Schools and Others

RESPONDENT

Date of Decision : 09-04-1993

Acts Referred:

Citation : (1993) 2 AWC 1271 : (1993) 2 UPLBEC 1048

Hon'ble Judges : Ravi S. Dhavan, J

Bench : Single Bench

Advocate : Rastrapati Khare, for the Appellant;

Final Decision : Allowed

Judgement

Ravi S. Dhavan, J.—Marian Dixit is a L.T. grade teacher at the Kisan Uchcharat Madhyamik Vidyalaya Sallahpur, Deoria. His grievance is that his seniority as a L.T. Grade teacher has been incorrectly fixed both by the Committee of Management and incorrectly being given due regard by the District Inspector of Schools, Deoria. He contends that there is an error apparent on the face of the record and his seniority ought to be fixed in reference to the substantive appointments which he has been given either in the present grade or in the previous grade. He has taken the court through the various records which is also appended along with the petition. The original record upon being summoned is before the court and in the possession of the learned Chief Standing Counsel, U.P. who has appeared on behalf of the Respondent Nos. 1 and 2, that is to say, the District Inspector of Schools, Daoria and the Deputy Director of Education (VII) Region, Gorakhpur.

2. From the record it is clear that there is an error and this aspect, as it is a matter of record, is accepted to the learned Chief Standing Counsel. From the seniority list prepared by the institution as on 9 July, 1991, the Petitioner has been recorded at serial No. 12 and Prabhu Nath Rai the Respondent No. 3 at serial No. 1. The Petitioner had done his B.Ed. course in 1975 whereas Prabhu

Nath Rai has done his High School in 1975 implying thereby that whereas the Petitioner could have the status of a C. T grade teacher in the year 1975 the aforesaid Respondent did not even have the qualifications beyond High School. The aforesaid Respondent did his B.Ed. course in 1982 which the Petitioner had already done in 1975. This further implies that which teacher would be recognised to have the status of a L.T. grade teacher as from the time when he had successfully been conferred the status of a C.T. grade teacher, as a matter of record, on this there is no issue. This record has not been denied by the State Respondents

3. The seniority cannot be determined by this Court. As even if what the Petitioner contends is correct, the fixation of the seniority must be done, if it has been done incorrectly by the Committee of Management, and thereafter by the Inspector in appeal (now the Deputy Director consequent upon a recent amendment in the regulations) by G. O No. 3899/15-7-92-2(i)/1992 dated 28 July 1992

4. It is further on record that the Petitioner submitted a representation dated 4 September, 1992 (Annexure-9 to the writ petition). This representation is available in the original record and accepted by the Learned Chief Standing Counsel. This will be treated as the appeal of the Petitioner from the decision of the Committee of Management under Sub-clause (f) of Regulation 3 in Chapter II of the Intermediate Education Act 1921. As on these circumstances noticed by the Court there is no issue, the rest of the proceedings now will be before the Deputy Director of Education (previously the Inspector until Use regulations were amended on 28 July, 1992). The Deputy Director while considering the appeal of the Petitioner will put the Committee of Management under notice, as also any other person likely to be affected on the claim of the Petitioner, and give his considered decision on the seniority as claimed by the Petitioner within a period of six weeks from today.

5. The petition meets with success but as the record has been produced by the Learned Chief Standing Counsel on the basis of which this decision is based, there will be no orders on costs.