

(2009) 03 AHC CK 0069
In the Allahabad High Court
Case No : Writ Petition No.705 (S/B) of 2008

Madhumita Gupta and Others

APPELLANT

Vs

State of U.P.and Another

RESPONDENT

Date of Decision : 17-03-2009

Acts Referred:

Citation : (2009) 03 AHC CK 0069

Hon'ble Judges : U.K.Dhaon, J and Satish Chandra, J

Final Decision : Disposed Of

Judgement

1. Heard Shri H.G.S.Parihar, learned counsel for the petitioners and the learned Standing Counsel for opposite parties.

2. The petitioners have alleged that large number of posts of lecturer were lying vacant in various Government Degree Colleges and accordingly a high power committee was constituted for making appointment on the post of lecturer on contract basis. The petitioners have further alleged that the State Government, on 1.2.2005, issued a Government Order, by which a decision was taken to make appointment on contract basis against the vacant posts of lecturer in various Government Degree Colleges on fixed honorarium of Rs.8000/ per month.

3. Learned counsel for the petitioners submits that the posts were advertised by the Director, Higher Education, U.P. Allahabad and the petitioners were fully eligible and qualified for appointment on the posts of lecturer. They applied for the posts of lecturer in pursuance of the said advertisement. He further submits that petitioners were interviewed by the duly constituted Selection Committee in accordance with the Government Order dated 1.2.2005 and they were selected and appointed. He further submits that the petitioners are entitled for the payscale of Rs.8000/to Rs.13500/ including the allowances which the regularly selected lecturers are getting as they are discharging the same duties.

4. Learned counsel for the petitioners has relied upon the decision of this Court in the case of Kumari Renu Tiwari and others v. Director, Higher Education and

others, decided on 10.10.1996.

5. Learned Standing Counsel appearing on behalf of the opposite parties submits that the appointment of the petitioners has been made by the authorities in pursuance of the Government Order dated 1.2.2005 and they are entitled only to fixed amount of honorarium as mentioned in the Government Order dated 1.2.2005. He further alleged that the petitioners are not entitled for the regular payscale of Rs.8000/ to Rs.13500/ as the other duly selected lecturers through Public Service Commission are getting.

6. We have considered the submissions made by learned counsel for the parties and gone through the record.

7. The petitioners have alleged that large number of posts of lecturer were lying vacant in various Government Degree Colleges and as such policy decision was taken by the State Government to make appointment on contract basis on the vacant post of lecturers through Government order dated 1.2.2005. The petitioners have further alleged that the posts were advertised in response to the advertisement. The petitioners submitted their applications for appointment on the posts of lecturer on contract basis. The petitioners have also alleged that they were interviewed by the duly constituted Selection Committee in pursuance of the Government Order dated 1.2.2005 and they were appointed on the posts of lecturer.

8. It is admitted case of the parties that till date no regular selected candidates are available from Public Service Commission. The petitioners are discharging the duties of the posts of lecturer in different subjects since 2006. The petitioners have also relied upon the decision of this Court in the case of Kumari Renu Tiwari and others v. Director, Higher Education and others passed in writ petition No.4812 of 1988 and another.

9. We, therefore dispose of the writ petition with a direction to the petitioners to make a fresh representations before the Competent Authority within four weeks" from today and if such a representation is made within time specified by this Court, the opposite parties shall consider and decide the same in accordance with law, keeping in view, the law declared by this Court in the case of Kumari Renu Tiwari and others v. Director, Higher Education and others within two months thereafter.

10. With the above observation the writ petition is finally disposed of.

(Ordered accordingly)