

(2014) 05 RAJ CK 0029
In the Rajasthan High Court
Case No : Civil Writ Petition No. 122012012

Mahesh Chand Paliwal

APPELLANT

Vs

State of Rajasthan and Others

RESPONDENT

Date of Decision : 19-05-2014

Acts Referred:

Citation : (2014) 05 RAJ CK 0029

Hon'ble Judges : Vineet Kothari, J

Bench : Single Bench

Advocate : V.N. Kalla, Advocate for the Appellant; R.R. Kanwar and Mr. B.L. Bhati, Advocate for the Respondent

Final Decision : Disposed Off

Judgement

Dr. Vineet Kothari, J.—The petitioner has filed the present writ petition against the termination of their services on the post of Vidhyarthi Mitra.

2. Both the learned counsels at bar submitted that a coordinate bench of this Court has decided the controversy and dismissed the similar writ petition in the case of Tilok Singh & Ors. Vs. State of Rajasthan & Ors. (S.B. Civil Writ Petition No. 10339/2012) decided on 21.10.2013 by the coordinate bench in the following terms:-

In the result, the writ petition No. 8154/10 is allowed. The writ petitions preferred by the petitioners assailing their termination from service, claiming continuance/re-employment as Vidhyarthi Mitra and against the insistence of the Government for execution of the fresh contract, are dismissed. The Vidhyarthi Mitra Scheme introduced by the State Government for engagement of "Vidhyarthi Mitra" on contractual basis on fixed honorarium against the posts of Teachers Gr. III, Senior Teachers and School Lecturers is declared illegal and unconstitutional. The respondents are restrained from engaging the Vidhyarthi Mitra under the Vidhyarthi Mitra Scheme against the posts of Teachers Gr. III, Senior Teachers and School Lecturers. The respondents are directed to proceed

with the recruitment process to fill in all the vacant posts of Teachers and School Lecturers in various services/cadres forthwith and complete the process as early as possible, in any case, within a period of six months from the date of receipt of certified copy of this order. It is made clear that pending completion of the regular recruitment process, the State shall not be precluded from engaging the eligible persons on the various posts of Teachers on urgent temporary basis in accordance with the relevant recruitment Rules. The State shall also ensure that henceforth the determination of the vacancies of Teachers in various services/cadres is made every year as mandated by the relevant recruitment Rules and all efforts shall be made to fill up the vacancies preferably before the next academic session starts in the schools run by the State. The petitioners who have not been paid honorarium for the period they had worked with the respondents as Vidhyarthi Mitra, shall be paid the amount due within a period of two months from the date of receipt of certified copy of this order. It is made clear that on account of the Vidhyarthi Mitra Scheme being declared illegal and unconstitutional, the petitioners and their likes who had worked with the respondents as Vidhyarthi Mitra, shall not be deprived of the benefits already accrued to them. No order as to costs.

Sd/-

(Sangeet Lodha), J.

3. Accordingly, the present writ petition is disposed of in same terms. No costs. A copy of this order be sent to the concerned parties forthwith.