

(2008) 12 AHC CK 0070
In the Allahabad High Court

Om Prakash

APPELLANT

Vs

State of U.P.and others

RESPONDENT

Date of Decision : 10-12-2008

Acts Referred:

Citation : (2008) 12 AHC CK 0070

Hon'ble Judges : V.K.Shukla, J

Final Decision : Dismissed

Judgement

V.K.Shukla, J.

In the present case petitioner had been performing and discharging duties as Shiksha Mitra. Petitioner claims that he was regularly and continuously performing and discharging duties since academic session 200506 and thereafter petitioner has contended before this court that on 20.01.2008 as he was not well, he proceeded on leave without pay. Petitioner has contended that after regaining good health on 13.09.2008, he submitted his joining report and petitioner has further contended that in the meeting of Gram Shiksha Samiti resolution has been passed in his favour for ensuring joining of petitioner. Petitioner has contended that thereafter he has been performing and discharging his duties but respondents are telling him that post in question has become vacant. At this juncture present writ petition has been filed with a prayer for issuing writ in the nature of mandamus commanding the respondents not to interfere in the peaceful functioning of petitioner as Shiksha Mitra at Primary Pathashala Khareha Gram Sabha Dugwan, Block and District Chitrakoot.

Under the Scheme of things provided for making selection and appointment on the post of Shiksha Mitra, scheme in question is not employment oriented rather said scheme is community service scheme to bring rural youth to come forward and participate in community service. In the present case petitioner has been performing and discharging duties as Shiksha Mitra and thereafter petitioner claims that on 20.01.2008 he proceeded on leave as he was not well. Fact of the matter is that petitioner has not at all functioned for eight months and thereafter

as petitioner claims, he came back after regaining good health on 13.09.2008 and submitted his joining report. Under the existing policy only three months leave is provided for and that too only female candidates for maternity and otherwise no concept of leave has been provided for. Appointment in question is purely contractual made for only one academic session and thereafter if work and conduct is satisfactory then further renewal for next academic session. Once appointment of petitioner has been renewed for one academic year and petitioner has not functioned for eight months as petitioner claims that he proceeded on leave, then in this background claim of the petitioner cannot be accepted by any means. In this background view which has been taken that post in question has become vacant, there is no infirmity in the view taken by the authority concerned and same warrants no interference by this Court.

Consequently, writ petition as it has been framed and drawn is dismissed.