
(2001) 11 AHC CK 0059
In the Allahabad High Court
Case No : C.M.W.P. No. 35856 of 2001

Pradeep Kumar

APPELLANT

Vs

Kendriya Vidyalaya Sangathan, New Delhi and Another

RESPONDENT

Date of Decision : 30-11-2001

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2002) 1 AWC 255 : (2002) 92 FLR 785 : (2002) 1 UPLBEC 719

Hon'ble Judges : Anjani Kumar, J

Bench : Single Bench

Advocate : Neeraj Pandey, for the Appellant; Vinod Swaroop, for the Respondent

Final Decision : Dismissed

Judgement

Anjani Kumar, J.—Heard learned counsel appearing on behalf of the petitioner and Sri Vinod Swaroop, learned counsel representing the respondents.

2. Petitioner by means of this writ petition has prayed for issuance of a writ, order or direction in the nature of mandamus directing the respondents to permit the petitioner for working as computer teacher in the institution and pay salary according to the term and condition of the appointment letter dated 16.9.2000, Annexure-1 to the writ petition. The clause (3) of the aforesaid appointment letter dated 16.9.2000 is reproduced below :

"(3) it is abundantly made clear that the assignment is purely of day-to-day nature and confers no right of appointment or your placement in the cadre of teachers. Your service will be utilised on the day-to-day basis depending upon the need and payment, therefore, will be made accordingly."

3. A perusal of the appointment letter dated 16.9.2000 particularly clause (3), referred to above, demonstrates that petitioner's appointment was purely contractual appointment on day-to-day basis and was liable to be terminated at any time and it will not confer any right upon the petitioner. In these circumstances, the mandamus prayed for by the learned counsel for the

petitioner cannot be granted. The writ petition being devoid of any merit is accordingly dismissed.