
(2010) 09 UK CK 0140

In the Uttarakhand High Court

Case No : Writ Petition (S/S) No. 671 of 2009

Prakash Chandra Joshi and another

APPELLANT

Vs

State of Uttarakhand and Others

RESPONDENT

Date of Decision : 06-09-2010

Acts Referred:

Citation : (2010) 3 UC 1495

Hon'ble Judges : Brahma Singh Verma, J

Bench : Single Bench

Advocate : Mr. K.N. Joshi, for the Appellant; Mr. Subhash Upadhyay, Brief Holder, Learned Counsel, for the Respondent

Judgement

Hon''ble B.S. Verma, J.—Heard Learned Counsel for the parties and perused the record.

2. Learned State counsel files supplementary counter affidavit. The same is taken on record.

3. By means of this writ petition, the Petitioner has sought a writ in the nature of mandamus commanding the Respondents to grant the benefits to the Petitioner on the post of Shiksha Mitra in pursuance of the Government Order dated 28-6-2006 and 15-12-2006. Further prayer for issue of writ of mandamus directing the Respondents to pay the honorarium to the Petitioner on the post of Shiksha Mitra in view of the G.O. dated 28-6-2006, 15-12-2006 and 14-2-2008 has been made.

4. According to the Petitioners, they were appointed as Shiksha Acharya in Education Guarantee Scheme Centre Nakot Kholia and EGS Centre Manadhunga. The Petitioners have annexed appointment letters as Annexure-1 to the petition. The Petitioners claim that they are fully eligible for absorption on the post of Shiksha Mitra in view of the Government Orders referred to above and they possess graduation degree. The Petitioners also claim that they are entitled to honorarium as admissible to Shiksha Mitra from the date their respective E.G.S.

Centres were upgraded to Primary School but they were paid honorarium which was payable to Shiksha Acharya till 31-12-2008.

5. In the supplementary counter affidavit filed on behalf of the Respondents, it is stated in paragraph No. 3 that the Petitioner No. 1 was working as Shiksha Acharya till 31-12-2008 and he was also paid honorarium for the said period from 1st June 2009 till the month of August 2010. It is also stated t(sic)e regular assistant teacher namely Hemant Kumar is appointed as per norms/strength of students.

6. Regarding Petitioner No. 2 it is stated that the Petitioner No. 2 had worked till 31-12-2008 as Shiksha Acharya and he was also paid honorarium as has been paid to Petitioner No. 1. It is also stated that that a regular teacher Mr. Tara Adhikari has been appointed in the upgraded primary school.

7. Learned State counsel has contended that since regular teachers have already been appointed as per strength of the students in the primary school, no right is accrued to the Petitioners to continue on the post of Shiksha Acharya.

8. In the above facts and circumstances, since in both the institutions one regular teacher each has been appointed and is working, therefore, it would be in the fitness of things as well as in the interest of justice to give liberty to the Petitioners to make a representation to the authority concerned for their adjustment as Shiksha Mitra.

9. Accordingly, the Petitioners are given liberty to make separate representation to the Respondent No. 4-Additional District Education Officer (Basic) Champawat. If the representations are made by the Petitioners, the same shall be considered and decided by the authority concerned by a reasoned and speaking order. It is made clear that till the period the Petitioner had worked as Shiksha Mitra in pursuance of the interim order dated 4-12-2009 passed by this Court, they shall be paid honorarium as admissible to Shiksha Mitra as per Government Orders.

10. The interim order dated 4-12-2009 passed by this Court is vacated.

11. With the aforesaid observations, the writ petition is disposed of finally.