
(2010) 08 AHC CK 0163
In the Allahabad High Court

Raghuveer Singh and Others

APPELLANT

Vs

State of U.P. and Others

RESPONDENT

Date of Decision : 04-08-2010

Acts Referred:

Citation : (2010) 08 AHC CK 0163

Hon'ble Judges : R.K. Agrawal, J;Abhinava Upadhya, J

Bench : Division Bench

Final Decision : Dismissed

Judgement

1. The present appeal has been filed against the judgment and order dated 23.3.2004 passed by the learned Single Judge whereby the writ petition preferred by the present appellants has been dismissed.

2. It appears that the appellants had obtained Certificate of Physical Education from Hanuman Vyayam Prasarak Mandal, Amrawati, Maharashtra. They sought appointment as Assistant Teacher in Junior Basic Schools in the district of Etawah. Their appointments were cancelled vide order dated 30.1.1997, which was the subject matter of challenge in the writ petition giving rise to the present appeal.

3. The learned Single Judge, while dismissing the writ petition, has held that C.P.Ed, is not the recognized qualification for appointment as Assistant Teacher in the Junior Basic Schools and, therefore, the appellants have no case and are not entitled for any relief.

4. We have heard learned Counsel for the appellants and perused the judgment and order dated 23.3.2004 passed by the learned Single Judge, the memo of appeal and the annexures enclosed therewith.

5. Learned Counsel for the appellants strongly relied upon a Division Bench decision of this Court in the case of Secretary, Board of Basic Education, U.P., Allahabad and Ors. v. Rajendra Singh and Ors. 2000 (3) ESC 1894 (Alld.) and

submitted that this Court had recognized the qualification of C.P. Ed. as eligible for being appointed on the post of Assistant Teacher and, therefore, the order passed by the learned Single Judge is not correct in law.

6. We have given our thoughtful consideration to the various pleas raised by the learned Counsel for the appellant and are of the considered opinion that the Division Bench judgment of this Court in the case of Secretary, Board of Basic Education, U.P. (Supra), relied upon by the learned Counsel for the appellants has been reversed by the Hon''ble Supreme Court in the case of Secretary, Board of Basic Education, U.P., Allahabad and Ors. v. Rajendra Singh and Ors. Civil Appeal Nos. 844 and 846 of 2002, and the Apex Court has held that C.P. Ed. is not recognized qualification for appointment as Assistant Teacher in the Junior Basic Schools and, therefore, no relief can be granted.

7. That being the position, the present appeal has no merit and it is accordingly dismissed.

8. We may mention here that the Hon''ble Supreme Court in that case has saved the appointments already made. But in the present case, the appointments have been cancelled as far back as in the year 1997 and the writ petition has also been dismissed in the year 2004 and there is no interim order operating in favour of the present appellants and, therefore, the benefit of the Supreme Court decision in so far as it saves the appointments already made, would not be available to the present appellants.