

(2010) 01 UK CK 0003
In the Uttarakhand High Court
Case No : Writ Petition No. 09 of 2010 (S/S)

Rajan Joshi and Another

APPELLANT

Vs

State of Uttarakhand and Others

RESPONDENT

Date of Decision : 15-01-2010

Acts Referred:

Citation : (2010) 01 UK CK 0003

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

Bench : Single Bench

Judgement

V.K. Bist, J.

IA No. 62 of 2010 (Urgency Application)

1. Heard.

2. Allowed.

Writ Petition No. 62 of 2010 (S/S)

3. Heard learned Counsel for the parties.

4. Admit the petition.

5. Learned Counsel for the Respondents prays for and is granted three weeks" time to file counter affidavit.

6. List this petition in supplementary cause list on 08.02.2010.

7. Stay Application No. 49 of 201017 By means of this writ petition, the Petitioners have challenged the result of regular B.T.C. examination to the extent it provides weight age to Shiksha Mitras/Para Teachers. Further direction has been sought for preparation of result afresh by removing the marks of weight age granted to the Shiksha Mitras/Para Teachers.

8. In support of their arguments the learned Counsel for the Petitioner submitted

that the Government issued a Government Order No. 323/XXIV(1)-15/2004 dated 1st March, 2009 wherein it was provided that Shiksha Mitras will be given two years B.T.C. training. The said Government Order was challenged in Writ Petition No. 674 of 2009 (S/S) and 988 of 2009 (S/S) in which interim order was granted and operation of Government Order was stayed. On 26.11.2009 both the petitions were dismissed, consequently, interim order was also vacated. Learned Counsel for the Petitioners further submitted that the Respondents filed their counter affidavit in both the aforesaid writ petitions in which the Respondents took a stand that the scheme of imparting regular B.T.C. Course to the Shiksha Mitras is without affecting the right of candidates who have appeared for examination in regular B.T.C. Course and on the basis of this undertaking the writ petitions were dismissed. Learned Counsel for the Petitioners argued that once provision was made vide Government Order dated 01.03.2009 for giving two years B.T.C. training to all Shiksha Mitras, the Respondents were not justified in giving weight age to Shiksha 18 Mitras in regular B.T.C. examination. Such Shiksha Mitras will automatically get admission in regular B.T.C. Course in pursuance of the Government Order dated 01.03.2009. Learned Counsel for the Petitioner further submitted that the Respondents themselves admitted before this Court in other writ petitions that the right of the candidates appearing in regular B.T.C. examination will not be affected and Shiksha Mitras will be accommodated against additional seat fixed for the purpose. This fact is not denied. Learned Counsel for the Petitioners also submitted that the Shiksha Mitras were given weight age of 10 marks per year for the year they have worked and most of the selected candidates were given 30 marks as weight age. Learned Counsel for the Petitioners argued that such weight age was given in the light of Government Order dated 05.11.2005 but Respondents wrongly applied this Government Order totally ignoring the fact that Government Order dated 05.11.2005 was superseded by subsequent Government Order dated 06.06.2008 which provided maximum weight age of 15 marks.

9. Sri N.P. Sah, learned Standing Counsel submitted that the weight age was rightly granted to the Shiksha Mitras under the Government Order dated 05.11.2005.

10. Prima-facie, this Court is satisfied with the argument of learned Counsel for the Petitioners. The Shiksha Mitras are entitled for admission in B.T.C. Course in the light of Government Order dated 01.03.2009. The Respondents may grant them admission in regular B.T.C. Course in pursuance 19 of Government Order dated 01.03.2009 by creating additional seats.

11. After hearing learned Counsel for the parties and after examining the entire material available in the writ petition, a direction is issued to the Respondents to prepare a fresh amended select list for B.T.C Course by ignoring the weight age granted to the Shiksha Mitras on or before 08.02.2010 or show cause.