
(2018) 05 UK CK 0018

In the Uttarakhand High Court

Case No : Writ Petition (M/S) No. 3083 Of 2016

RAM ASREY MAURYA

APPELLANT

Vs

STATE OF UTTARAKHAND AND OTHERS

RESPONDENT

Date of Decision : 03-05-2018

Acts Referred:

Citation : (2018) 05 UK CK 0018

Hon'ble Judges : SUDHANSHU DHULIA, J

Bench : Single Bench

Advocate : M.K. Ray, S.R. Joshi

Final Decision : Allowed

Judgement

Sr.

No.",Name of event,Last date

1., "Meeting of all Chief Education Officers at the State level with the Director, Madhyamik and the Director, Primary Education", "June/July, 2016

2., "Meeting at the district level under the Chairmanship of Chief Education Officer for nominating teachers for the award", 02.7.2016

3., "Last date for submitting applicationsÂ by the nominated teachers in the office of Block Education Officer", 14.7.2016

4., "Last date for submitting applications at the district level", 16.7.2016

5., "Physical verification of applications and documents at the district level", 20.7.2016

6., "Last date for forwarding the recommendations from the district level to the regional level", 30.7.2016

7., Meeting of the Regional Selection Committee, 02.8.2016

8., "Forwarding the cases from the regional level to the State level", 10.8.2016

9., Meeting of the State Level Committee, 16.8.2016

10., "Forwarding the proposals by the Directorate to the State Government", 18.8.2016

College in District Udham Singh Nagar, as already stated above.",

7. This Court has been informed that three names were shortlisted by the District Level Committee. The name of the petitioner was at the top with 76,

marks out of 95 marks. Second one was Mr. Swatantra Kumar Mishra with 70 marks and the third name was of one Mr. Satish Kumar Arora with,

61 marks. These marks are given on various scores such as five years of result given by the teacher, number of students who have retained first,

division, contribution of the teacher in promoting girl child education, etc.",

8. There is no dispute regarding the fact that the petitioner was awarded highest marks by the District Level Committee. There is nothing on the,

record nor anything has been mentioned in the counter affidavit filed by the State that there is something against the petitioner which disentitles him for,

the award for which he was nominated. All the same, the authorities of the State Government kept sleeping over the matter and in spite of above,

schedule, to which the Government was duty bound to adhere to, did not finalize and announced the name of the winner of award as per the said,

schedule.,

9. It has further been informed by the Standing Counsel for the State, under the instructions from the officers of the State, that the State Government,

has not given the award for the year 2015, 2016 and 2017 as yet. It has further been informed that now for all these three years, the Government,

proposes to give the award on the Teachers Day in September 2018.",

10. In the counter affidavit, the objection taken by the State Government for not

giving the award to the petitioner is not inaction on their part, but the",,,
reason given is that the petitioner is not liable to be considered as of now since
he has already reached the age of superannuation and has retired from,,
service. It has further been argued that State Level Committee did meet to
consider the candidature of the petitioner for the award but did not give,,
award to the petitioner since by that time, petitioner had already superannuated
from the service and though he was teaching in the same college but it",,,
was merely on account of extension of service. In this regard, learned Standing
Counsel has relied upon the Government Order dated 20.10.2009",,,
which is Annexure No. 1 to the counter affidavit, wherein one of the conditions is
that such persons shall not be considered for the award who have",,,
reached the age of superannuation and retired from the service. This is the only
reason furnished for not giving the award to the petitioner.Â,,
11. The above condition of the respondent State is wholly misplaced inasmuch as
according to the schedule given by the Government itself, all the",,,
formalities were to be completed by 18.8.2016 when the petitioner was in
service. In any case, the award is to be given for the year 2015 and the last",,,
calendar date for the year 2015 is 31.12.2015 when the petitioner was already in
service. Rejecting the candidature of the petitioner on the ground that,,
he superannuated from the service on 30.9.2016 is clearly wrong.Â,,
12. This Court would have sent the matter back to the Government for
reconsideration but since the Government has taken a categorical stand that,,
the candidature of the petitioner is not liable to be considered at all as he has
reached the age of superannuation which is absolutely wrong and, since",,,
there is no other objection of the Government for not giving the award to the
petitioner and since admittedly the petitioner had secured highest marks,,
and his name was recommended by the District Level Committee and two other
names recommended by the Committee have already been rejected,,
on the various grounds, as they were not found suitable, this writ petition is
hereby allowed and a writ of mandamus is issued to the respondent",,,
authorities to forthwith give the award to the petitioner along with all
consequential benefits within a period of three months from the date a certified,,
copy of this order is placed before the Secretary, Education.Â Â Â Â",,,