
(2012) 01 AHC CK 0027
In the Allahabad High Court
Case No : Service Single No. - 305 of 1992

Ram Janam Verma

APPELLANT

Vs

Committee Of Management

RESPONDENT

Date of Decision : 13-01-2012

Acts Referred:

Uttar Pradesh Intermediate Education Act, 1921 — Regulation 4

Citation : (2012) 01 AHC CK 0027

Hon'ble Judges : Anil Kumar, J

Bench : Single Bench

Advocate : J.N. Mathur, In person, for the Appellant; L.P. Mishra, Nirmal Tewari and S.K. Kalia, for the Respondent

Final Decision : Dismissed

Judgement

Hon'ble Anil Kumar, J.—Heard Sri Som Kartik, learned counsel for petitioner in Writ Petition No. 305 (SS) of 1992 and Writ Petition No. 1663 (SS) of 2000. In the City of Faizabad there is an institution known as Shanti Ashram Intermediate College, Saya, District Faizabad (hereinafter referred to as the Institution), governed by the provisions as provided under U.P. Intermediate Education Act, 1921.

2. As per the submission made by Sri Som Kartik, learned counsel for petitioner, in the institution in question in which the petitioner Ram Janam is working in the L.T. Grade. Further, a post for Lecturer Grade is fallen vacant which is filled up by way of promotion amongst the persons working in the LT Grade. However, the Manager of the Institution Sri Suraj Narain Tiwari appointed Sri Rakesh Kumar Tiwari his son on the said post, the said appointment is de-hors to the provisions as provided under Chapter III Regulation 4 of the U.P. Intermediate Education Act, 1921. By the said promotion, the right of the petitioner for promotion on the said post has been forfeited, so the petitioner approached this Court by filing the writ petitions for redressal of his grievances.

3. Sri Som Kartik, learned counsel for petitioner submits that a Writ Petition No. 1663 (SS) of 2000 has been filed by Sri Rakesh Kumar Tiwari, praying therein the relief for quashing of the order dated 20.03.1999 (Anneuxre No. 1) and also praying that the concerned official respondents may be directed to pay the petitioner salary for the post of Lecturer for Sociology in the institution in question. In the said writ petition on 16.09.2009, an order was passed, the is reproduced hereibelow:

When the case was called out in first round, neither learned counsel for the petitioner was present nor there is any request for pass over or adjournment of the case. Thereafter, the case was called out in second round. In second round, a request has been made on behalf of the petitioner that the case may be adjourned, which was vehemently opposed by Sri Som Kartik, learned counsel appearing on behalf of the opposite parties and as such, with the consent of learned counsel for the parties, the case was directed to be taken at 2.00 P.M. today.

At 2.00 P.M., when the case was called out in third round, a request was again made for adjournment of the case, to which Sri Som Kartik submits that as and when the case was listed, similar type of request has been made by learned counsel for the petitioner. He submits that the appointment of the petitioner on the post of Lecturer in the College is de hors the provisions of Chapter III Regulation 4 of the Regulation framed under Intermediate Act, 1921 but despite that on account of continuance of interim order dated 6.4.2000, the petitioner is continuing in service. and as such, interim order dated 6.4.2000 may be vacated.

Under the circumstances, interim order dated 6.4.2000 is hereby vacated. List this matter for final hearing in the next month.

4. Sri Som Kartik, learned counsel for petitioner further submits that thereafter the same writ petition has been dismissed as withdrawn by order dated 13.05.2011, which on reproduction reads as under:

(C.M.A.No.26776 of 2011)

This is an application for withdrawal of the writ petition.

Heard Shri Anil Tiwari, learned Senior Advocate assisted by Shri Mahendra Pratap Singh, for the applicant/petitioner.

The submission of learned counsel for the applicant/petitioner is that the petitioner has filed the present writ petition challenging the order dated 20.03.1999 passed by the District Inspector of Schools, Ambedkar Nagar whereby the payment of salary to the petitioner was refused on the ground that the post of Lecturer (Sociology) against which the petitioner was appointed, was not sanctioned. During pendency of the writ petition, the services of the petitioner have been regularized on the post of Lecturer (Sociology) vide order dated 23.02.2011 and, therefore, he wants to withdraw the instant writ petition.

The application is allowed.

The writ petition is dismissed as withdrawn.

5. In addition to the above said facts, Sri Som Kartik, learned counsel for petitioner also submits that thereafter the services of Sri Rakesh Kumar Tiwari has been regularized by the Joint Director of Education, 9th Region, Faizabad by an order dated 23.02.2011, the same was challenged by Sri Ramjanam Verma by filing Writ Petition No. 1463 (SS) of 2011 which is pending.

6. As prayed, list the present matter along with Writ Petition No. 1463 (SS) of 2011 on 08.02.2012.

7. Further, on the said date, Joint Director of Education, 9th Region, Faizabad who has passed the order dated 23.02.2011 shall appear in person along with relevant record. Learned Standing Counsel may ensure his presence.