

(1994) 02 SC CK 0131

In the Supreme Court Of India

Case No : Civil Appeal No. 1696 Of 1988

Ram Murti Singh

APPELLANT

Vs

District Inspector of Schools, Deoria and Others

RESPONDENT

Date of Decision : 11-02-1994

Acts Referred:

Citation : (1995) 3 SCC 172 Supp

Hon'ble Judges : N. Venkatachala, J; A. M. Ahmadii, J

Bench : Division Bench

Final Decision : Dismissed

Judgement

1. The short point which the learned counsel for the appellant urged before us is that under Rule 4 of the U.P. Secondary Education Service Commission (Removal of Difficulties) Order, 1981 ad hoc appointment by promotion can be made in every vacancy in the post of Head of an institution till a regular appointment is made. His contention is that since the appellant was the seniormost, he was entitled to be appointed ad hoc Principal, but instead another person, Respondent 3, was so appointed in violation of the aforesaid rule. As has often been said, no one has a right to promotion but a mere right to be considered for promotion if he satisfies the requirements of law or rules. Rule 4 of the Order permits the authority to make an ad hoc appointment till a regular appointment is made. Ordinarily, the seniormost person may expect that he would be appointed, but certainly not if he is not competent. In the present case, we find from the order of the District Inspector of Schools, Deoria, dated 1 1/8/1987 that the appellant, though the seniormost, was not found to be competent. His relationship with teachers and other employees was not satisfactory and hence the Management feared that he would not be able to draw the cooperation of the teachers and employees for working as a team. If this was found to be detrimental to the interests of the institution and he was not promoted though seniormost we do not think that we can find fault with the order passed by the District Inspector of Schools and affirmed by the High court which saw no merit

in the writ petition. The appellant has since retired also. But that apart, we think that there is no substance in this appeal filed against the High court's Order dated 7/12/1987 rejecting the writ petition as without merit. We, therefore, dismiss this appeal with no order as to costs.