
(2000) 07 RAJ CK 0036

In the Rajasthan High Court

Case No : Civil Writ Petition No. 2458 of 2000

Ram Niwas and Others

APPELLANT

Vs

State of Rajasthan and Others

RESPONDENT

Date of Decision : 26-07-2000

Acts Referred:

Citation : (2000) 4 RLW 27 : (2000) 4 WLC 450 : (2001) 1 WLN 490

Hon'ble Judges : B.J. Shethna, J

Bench : Single Bench

Judgement

B.J. Shethna, J.—This petition is jointly filed by 11 persons praying that the respondents be directed to impart training to them by correspondence course with all consequential benefits and reliefs as if they were never denied the facility of pursuing the training and if they successfully complete the training, the respondents be directed to give appointment on the post of Teacher Grade-III in the light of the order dated 3.4.1993 (Annex. 17) and other orders with all consequential benefits.

2. In para 2 of the petition, it is stated that since a common point is involved in this petition and the relief prayed for by all the petitioners is the same, therefore, they have filed this joint writ petition and they may be permitted to maintain this joint petition. It is further averred in para 2 that all of them are out of employment and they are having no source of income, therefore, they are not in a position to file separate petitions in their individual capacity.

3. It is the case of the petitioners that they were appointed on the post of Teacher Grade-III on a consolidated salary of Rs. 400/- by the respondents No. 3 to 5 as untrained teachers. However, their appointment orders are not placed on the record. In support of their version that they have worked as Teachers with their respective Panchayat Samities, they have placed their experience certificates which are at Annexs. 1 to 11. The said certificates are issued by different Panchayat Samities. They have also stated that their services were dispensed with in due course of time. They have based their claim on the

judgment delivered by this Court on 15.6.1988 in D.B. Civil Writ Petition No. 2795/87 wherein the Division Bench of this Court observed that the teachers appointed in the Panchayat Samities on a consolidated salary of Rs. 400/- per month are entitled to receive their salary in the regular pay scale provided for the post of Teacher Gr. III. They claimed that in pursuance of the judgment of the Division Bench of this Court dated 15.6.1988, the respondents issued orders for making payment of salary to those Teachers in regular scale. The Division Bench also directed the respondent No. 1 for imparting training to those similarly situated persons by corresponding course who are working on a consolidated salary of Rs. 400/- per month. It was submitted that in view of the aforesaid directions issued by the Division Bench of this Court, the respondents were bound to comply with the said directions but they have not done so in cases of those similarly situated teachers.

4. If according to the petitioners, directions issued by the Division Bench of this Court were not complied with by the respondent authorities, then they should have atleast moved this Court by way of contempt but it appears that nothing has been done in the matter. Not only that after judgment was delivered by the Division Bench on 15.6/1988, no concrete steps were taken by the petitioners till 19.7.2000, the day on which this petition was filed, though the respondents passed an order dated 3.4.1993 (Annex. 17). This gross delay of nearly 11 years is tried to be explained by them in para 14 of the petition by submitting that time and again, they approached the authorities and they were assured by the authorities but they have not fulfilled their assurances. There is nothing on record that on what day, they approached in writing. Be that as it may. If they had already approached well in time and after the assurance was given, if the authorities had not fulfilled their assurances, then they should have approached this Court immediately and they should not have waited for all this time.

5. After the Division Bench of this Court delivered the judgment in 1988, much water has flown and by now more that 12 years period has passed. Now it is too late for anyone including this Court to issue any such direction to give appointment to the petitioners on the post of Teacher Grade-III after imparting them training by correspondence course. There is bound to be limited post of Teacher Grade-III and the appointment is to be made on that post in accordance with law by keeping in mind, age, experience and qualifications etc. of the persons. Thus, therefore, it will not be proper for this Court to issue any such direction as prayed for by the petitioners in this petition.

6. It must be stated that the learned Sr. Adv. Mr. Purohit submitted that this is as good as a mercy petition and after making all attempts atleast the petitioners have come by way of this joint petition.

7. Except expressing sympathy towards them, nothing more can be done in this matter.

8. At this stage, learned Counsel Mr. Purohit stated at the bar that the petitioners

are willing to approach the authority once again for redressal of their grievances, therefore, the respondent authorities be directed to hear and consider the case in accordance with law.

9. If the petitioners, once again, want to approach the authorities, then they can do so for which no direction from the Court is required. If they approach the authorities, then it goes without saying that the concerned authority will take the decision after duly considering their cases in accordance with law. Nothing more than this can be done.

10. In view of the above discussion, I do not see any substance in this petition and accordingly, it is disposed of.

11. Stay petition is dismissed.