
(2010) 01 AHC CK 0105
In the Allahabad High Court
Case No : Service Bench No. 49 of 2010

Rashmi Sinha W/O Sanjay Sinha	Vs	APPELLANT
Union of India Thru Secy. Human Resource Dev. & Ors.		RESPONDENT

Date of Decision : 28-01-2010

Acts Referred:

Citation : (2010) 01 AHC CK 0105

Hon'ble Judges : Sunil Ambwani, J

Judgement

1. We have heard Shri Prashant Chandra, Senior Advocate assisted Shri Ram Raj for Dr. (Smt.) Rashmi Sinhathe petitioner. Shri I.H. Farooqi, Assistant Solicitor General of India appears for Union of India and represents Ministry of Human Resources Development, Government of India, New Delhi. Shri Sanjai Bhasin, Additional Chief Standing Counsel represents State respondents.

2. The petitioner has prayed for quashing the order, by which she was informed by the Secretary, Shiksha Anubhag14, Government of Uttar Pradesh, that the period of her extended term as "Mahila Samakhya" will come to an end on January 8, 2010 after which by way of temporary arrangement Sushree Lalita pradeep, Principal, District Education and Institute of Training, Lucknow will look after the work as State Project Director, Mahila Samakhya.

3. It is submitted on behalf of the petitioner, that the Director (MHRD) had intimated to the State Project DirectorcumSecretary on 11.12.2009, that the Government of India has no objections to the extension of her contract for a further period of one year upto 9.1.2011, keeping in view of her satisfactory performance, and that by a subsequent letter dated 23.12.2009, a Committee was constituted by the MHRD for review of Mahila Samakhya Programme. By subsequent letters dated 5.1.2010 and 13.1.2010, Ms. Anita Kaul, Joint Secretary (EE.U) MHRD had informed the State Government that the guidelines circulated with the letter dated 23.12.2009 require formation of Appraisal Committee having representatives of Government of India; State Government and National Resources Group (NRG) for Mahila Samakhya. The guidelines

specify that the Appraisal Committee will submit its report to the Government of India within 1530 days. She also recommended that the letter dated 5.1.2010 be withdrawn and until the Appraisal Committee reaches a decision and communicates the same to the Government of India, the petitioner may continue as SPD, Mahila Samakhya, Uttar Pradesh and no fresh advertisement should be issued.

4. The Assistant Solicitor General of India submits that the Mahila Samakhya Project has been continued subject to the conditions, that concurrence of Government of India will be necessary for the appointment, continuance and removal of the State Project Director, and that the advice of the Government of India on all matters relating to State society are final and binding. He seeks further time for getting complete instructions in the matter.

5. Shri Sanjai Bhasin, Additional Standing Counsel submits that the petitioner's extended term as State Project Director, Mahila Samakhya has come to an end and that under the Rules of the society made in consultation with the Central Government an advertisement was issued in newspapers on 5.1.2010 inviting applications for appointment as State Programme Director on contractual basis with the qualifications prescribed in the bye laws of Mahila Samakhya Society. He submits that the process was initiated strictly in terms with the bye laws of the society.

6. Prima facie, we find that the petitioner, after having completed her term, does not have a legally enforceable right for extension until the Society "Mahila Samakhya" U.P. takes a decision in that regard in consultation with the Central Government.

7. During the course of hearing, we find that instead of a dialogue between the Ministry of Human Resources Development, Central Government and the State Government to review the appraisal of the ambitious programme for empowerment and upliftment of rural women through education, a conflict has arisen. The MHRD, Central Government is insisting on an appraisal in terms of the guidelines formulated by it and has required the State Government to allow Dr. Rashmi Sinha the petitioner to continue as SPD, Mahila Samakhya, U.P. to maintain programmable continuity. The State Government, on the other hand, is not agreeable to renew the contract and is insisting upon fresh advertisement for recruitment of SPD, Mahila Samakhya in terms of the earlier guidelines and the bye laws of the society.

8. We are of the opinion that taking into account the larger public interest serves by the Mahila Samakhya Programme and the important projects undertaking in the programme a conflict like situation between the Central Government and the State Government, is not advisable. In such matters, it is always appropriate to issue directions to the parties to open a dialogue and to resolve the issues. We therefore direct the Secretary, Ministry of Human Resources Development as well as State Government to depute senior and responsible officers of the concerned

departments to convene a meeting to oversee the implementation of the programme and to resolve the issue with regard to the appointment/extension of the State Programme Director "Mahila Samakhya". The meeting shall be called within a week.

9. The matter shall be listed again on 8.2.2010. On that day, we expect the counsels for the parties to produce the minutes of the meeting and to inform the Court with the positive steps taken to resolve the issues.

10. A copy of the order shall be given to the Assistant Solicitor General of India and Chief Standing Counsel today free of costs for compliance.