
(2011) 11 UK CK 0174

In the Uttarakhand High Court

Case No : Writ Petition No. 1485 (SS) of 2011

Rekha Rani

APPELLANT

Vs

State of Uttarakhand and others

RESPONDENT

Date of Decision : 02-11-2011

Acts Referred:

Citation : (2011) 11 UK CK 0174

Hon'ble Judges : Sudhanshu Dhulia, J

Bench : Single Bench

Final Decision : Allowed

Judgement

Hon"ble Sudhanshu Dhulia, J.—Heard Mr. T.P.S. Takuli, Advocate with Mr. Aamir Malik, Advocate for the petitioner and Mr. Anil Bisht, learned Brief Holder for the State of Uttarakhand.

2. The petitioner was working as ?Shiksha Mitra?. According to the petitioner she was entitled to send for B.T.C. Training. All the same, the only ground for not sending her for B.T.C. Training is that she completed her graduation during the tenure as ?Shiksha Mitra?. She constrained to file this writ petition with the following prayer:

i. Issue a writ, order of direction in the nature of mandamus directing the respondents to permit the petitioner for the B.T.C. training course.

ii. Pass such further orders or direction which are just and proper in the facts of the case.

3. The objection of the State in not imparting B.T.C. training to the petitioner is that admittedly it is one of the essential conditions for undergoing BTC training that the ?Shiksha Mitra? should be graduate and since the petitioner has obtained the graduation degree while discharging duties of a ?Shiksha Mitra?, she is not liable to be sent for B.T.C. training.

The petitioner though relies upon an order dated 16.6.2010 passed by a learned

Single Judge of this Court in Writ Petition No. 270 of 2010 (S/S), where in similar circumstances, writ petition of the similarly situated persons was allowed and directions were given to the State to include their names in the B.T.C. training course of two years and to pass necessary orders within two weeks. Against this order, the State went in special appeal being Special Appeal No. 99 of 2011 State of Uttarakhand and others Vs. Krishna Devi Chauhan and others which was also dismissed on 1.7.2011 and the order of the learned Single Judge was upheld. The ground for dismissing the Special Appeal as well as for allowing the writ petition was that the State has not been able to show any provision of law, which requires a ?Shiksha Mitra? to obtain permission before she can undergo the graduation course or examination. That being the position of law, the learned Single Judge as well as the Division Bench of this Court has held that there is no requirement of law for a ?Shiksha Mitra? to obtain prior permission before undergoing the graduation course.

4. Hence, the facts of the present case being similar, this writ petition is allowed and a mandamus is issued to the District Education Officer, District Udham Singh Nagar (respondent no. 3) to consider the candidature of the petitioner for B.T.C. training course in accordance with law. Merely because the petitioner has done her graduation during her tenure as ?Shiksha Mitra? shall not come in her way for getting the training in view of the decision of the Division Bench of this Court passed in Special Appeal No. 99 of 2011. Respondent no. 3 is directed to take a decision on the representation of the petitioner within four weeks from the date a certified copy of this order is produced before him.

5. No order as to costs.