

(2011) 07 SHI CK 0032
In the High Court Of Himachal Pradesh
Case No : CWP (T) No. 12347 of 2008

Satish Chandra Mehra and Others

APPELLANT

Vs

State of Himachal Pradesh and Another

RESPONDENT

Date of Decision : 21-07-2011

Acts Referred:

Citation : (2011) 07 SHI CK 0032

Hon'ble Judges : Kurian Joseph, C.J;V.K. Sharma, J

Bench : Division Bench

Judgement

Kurian Joseph, C.J.—The Petitioners in all these cases, who are Vidya Upasaks, approached this Court praying for regularization of their services with effect from the date of their initial appointment(s) and also for the service benefits at par with J.B.T.teachers. It is seen that the same issue was considered by a Division Bench of this Court in Duni Chand v. State of Himachal Pradesh and Ors., CWP (T) No. 12770 of 2008 vide judgment dated 11.11.2009. There was a direction to the Respondents to absorb the Vidya Upasaks as per the scheme, on completion of five years service. It was also held at page 5 of the judgment as follows:

We are of the considered view that as per the Scheme framed by the RespondentState the candidates who had completed five years as Vidya Upasaks were to be absorbed after completing all the codal formalities. It was the duty cast upon the Respondent to ensure that the Petitioner is permitted to obtain one year Condensed Teacher training course within five years. In case the Respondents themselves had not taken steps for enabling the Petitioner to obtain one year Condensed Teacher training course within five years, the Petitioner cannot be faulted for the same.

2. Learned Additional Advocate General submits that the aforesaid matter was taken by the State to the Hon"ble Apex Court and the directions have been modified to the extent that the Vidya Upasaks will be imparted one year training and thereafter they will be regularized as J.B.T. teachers. The Petitioners pray for an opportunity in view of the intervening developments, as above, to approach

the Director for appropriate action in the matter of retrospective regularization in the light of the judgment of the Hon''ble Apex Court.

3. Therefore, the writ petitions are disposed of making it clear that in the event of the Petitioners approaching the Director by way of appropriate representation(s), alongwith a copy of this judgment and a copy of the judgment of the Hon''ble Apex Court, their claim for retrospective regularization will be considered in the light of the judgment of the Hon''ble Apex Court, within a period of three months.

4. The pending applications, if any, also stand disposed of.