
(1986) 01 RAJ CK 0072
In the Rajasthan High Court
Case No : Civil Writ Petition No. 604 of 1979

Shivraj Chhangani

APPELLANT

Vs

State of Rajasthan and Others

RESPONDENT

Date of Decision : 16-01-1986

Acts Referred:

Citation : (1986) WLN 3

Hon'ble Judges : A.K. Mathur, J

Bench : Single Bench

Judgement

Ashok Kumar Mathur, J.—The present writ petition has been filed against the order dated 14th February, 1979 (Annexure-6), whereby a direction has been given that the petitioner should be relieved from the post of Head Master, Sadul Pushkarna Uchhchya Madhyamik Vidyalaya, Bikaner (here in after referred as the School) and regular selection for the post of Head Master of this School be undertaken.

2. The petitioner was appointed as Teacher in the Matric Grade on 1st July, 1968 and thereafter promoted on the post of Trained Graduate Grade on 1st July, 1968 and Senior Teacher on 1st July, 1969. On retirement of one Shri Mangalchand Acharya from the post of Head Master of the School, the petitioner came to be selected by the Management Committee for the post of Head Master in the said School on the basis of Seniority-cum-merit. Thereafter he came to be appointed as Head Master in pursuant of Resolution No. 9 dated 15th June, 1973 of the Management on a temporary basis for a period of three years by the order dated 20th July, 1973 (Annx. 1). The petitioner has further submitted that the approval of the Education Department was sought and the management has unanimously decided to continue the petitioner on this post. The petitioner further submits that soon after the selection of 1977 when the New Government came in the office, the respondent No. 5 moved the Government and as a result of which the order Annx. 3 has been passed. Thereafter some protracted correspondence transpired between the Management and the Government ultimately order dated

6th April, 1979 and 14th February, 1979 came to be issued with the direction that Shri Ranga should be given the charge of the post of Head Master on ad hoc basis and the absence of Shri Ranga should be regularized and lastly that the Management should comply with these two directions and then obtain necessary sanction for filling the post of Head master.

3. The learned Counsel for the petitioner has submitted that since the petitioner has been selected by the Management, therefore he cannot be dislodged from the present post. The petitioner also claimed that he is senior to respondent No. 5 because he was appointed as Senior Teacher in 1969 whereas the respondent No. 5 was appointed as Senior Teacher in 1971. It has also been submitted that proper determination of seniority has not taken place till this date. Be that as it may the first and foremost question for determination is whether the petitioner has been rightly selected for the post of Senior Teacher or not. In this connection much emphasis has been laid on Annexure 15, which according to the petitioner shows that he was selected for the post of Head Master. For ready reference, Annexure-15 reproduced as under:

jft-ua- 26@6

Jh lknqy iq"dkj.k mPp ek;/fed fo|ky;]

Chdkusj

dzekad %----- fnukad %----- fnukad
30&9&1973 dks p;u lfevr dh cSBd es Jh f"kojkt Nax.kh dsk ?iz/kkuk;/kid? ;ksX;rk
o ojh;rk ds vk/kkj ij p;u fd;k x;k A

p;u lfevr ds lnL;ks dh mifLFkfr ds gLrk{kj %

?1? Jh Hkokuh "kadj O;kl ?2? Jh cqykdh nkl cksgjk ?3? Jh cnzh ukjk;.k ?4? Jh czr
jru O;kl ?5? Jh Mh-ih- tsk"kh] foHkkxh; izfrfuf/k] ,e-,e-Ldwy] iz/kkuk;/kid
gLrk{

Jh lknqy iq"dj.k mPp ek;/fed fo|ky;]

chdkusj

Mr. Purohit appearing for the respondents submits that the petitioner was never selected by the Selection Committee and the document Annexure-15 also does not show that whether he was at all selected by the Selection Committee and Annexure-15 is only an intimation and it does not bear the signature of any of the members who constituted the Selection Committee. Mr. Purohit represents the Management Committee and a return has been filed by the Management Committee. The Management Committee has submitted that no such regular selection took place. Thus, in this view of the matter we have to see whether Annexure-15 could show that it is a minutes of the regular Selection Committee or not. I am afraid the document on which the learned Counsel for the petitioner relies does not inspire confidence to show that this is a minutes of the Selection Committee. A perusal of the document would show that it appears to be an

intimation to the effect that the Selection Committee met and selected the petitioner on the basis of merit and seniority-cum-merit by the selection committee. But it is not the original minutes of the selection committee. Nor does it show any deliberation. Mr. Purohit who is custodian of the record has very categorically stated on affidavit that no such selection took place and the allegation that the petitioner was duly selected by the Selection Committee is not correct. In this view of the matter I am inclined to agree with the submission of Mr. Purohit that the document Annexure-15 A does not inspire confidence and from this it cannot be said that the petitioner was duly selected for the post of Head Master by the Selection Committee.

4. However, it will be just and proper that a direction should be issued to the respondents to hold the selection within a period of two months from today and they should also determine the seniority of the petitioner and respondent No. 5 within this time.

5. With these observations this writ petition stands disposed of.