
(2002) 02 AHC CK 0115
In the Allahabad High Court
Case No : C.M.W.P. No. 37093 of 1991

Smt. Kiran Bala Verma

APPELLANT

Vs

State of U.P. and Others

RESPONDENT

Date of Decision : 13-02-2002

Acts Referred:

Uttar Pradesh Higher Education Services Commission Act, 1980 — Section 31C, 31C(1)

Citation : (2002) 3 AWC 2134 : (2002) 94 FLR 308 : (2002) 3 UPLBEC 2529

Hon'ble Judges : Onkareshwar Bhatt, J;D.S. Sinha, J

Bench : Division Bench

Advocate : Shashi Kumar, for the Appellant; V.N. Agarwal, S.C., for the Respondent

Final Decision : Dismissed

Judgement

D.S. Sinha and Onkareshwar Bhatt, JJ.—Heard Sri Shashi Kumar learned counsel appearing for the petitioner, and Sri V. N. Agrawal, learned standing counsel of the State of U.P., representing the respondent Nos. 1, 2, 3 and 4.

2. In the instant writ petition, under Article 226 of the Constitution of India, the Court is called upon to adjudicate whether the petitioner is entitled to the benefit of regularization contemplated in the provisions of Section 31C of the U.P. Higher Education Services Commission Act, 1980. (hereinafter called the Act) providing for regularization of a teacher appointed on ad hoc basis in a college governed by the provisions of the Act.

3. A perusal of the order of appointment dated 30th September, 1991, a photostat copy of which is appended to the petitioner as Annexure-III, clearly indicates that the petitioner was appointed as a part-time lecturer of Music (Tabla), purely on temporary basis, with effect from 1st October, 1991.

4. According to Clause (a) of Sub-section (1) of Section 31C of the Act, the benefit of regularization is admissible to only such teacher who was appointed on ad hoc basis after January 3, 1984 but not later than June 30, 1991, on a post

specified in the section.

5. Indisputably, the petitioner was appointed as a part-time lecturer, purely on temporary basis. She was not appointed on ad hoc basis. Further, she was appointed with effect from 1st October, 1991, much after June 30, 1991, which is the cut-off date stipulated in the section.

6. Thus, the petitioner having not been appointed as a teacher on ad hoc basis, and having been appointed after June 30, 1991, she is not entitled to the benefit of regularization stipulated in Section 31C of the Act. The writ petition is misconceived.

7. In the, result, the petition fails and is hereby dismissed. The interim order/ orders shall stand vacated.