
(2010) 07 UK CK 0128
In the Uttarakhand High Court

Smt. Pushpa and Another	Vs	APPELLANT
State of Uttarakhand and Others		RESPONDENT

Date of Decision : 05-07-2010

Acts Referred:

Citation : (2010) 07 UK CK 0128

Hon'ble Judges : Brahma Singh Verma, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

B.S. Verma, J.—Heard learned Counsel for the parties and perused the record.

2. By means of this writ petition, the petitioners have sought the following relief:

- i) Issue a writ order or direction in the nature of mandamus directing the respondents to adjust/appoint the services of the petitioners on the post of Shiksha Mitra in the upgraded guarantee center in District Chamoli as per Government Orders dated 28-6-2006 and 15-12-2006 and give them salary month to month.
- ii) Issue a writ order or direction in the nature of mandamus directing the respondents to give wattage to the petitioners for being appointed on the post of Shiksha Mitra at their Education Guarantee Center.
- iii) Issue a writ order or direction in the nature of mandamus directing the respondents to give salary/honorarium to the petitioners.
- iv) Issue any other or further writ, order or direction, which this Hon'ble Court may deem fit and proper in the circumstances of the case.

3. The petitioners were appointed as Shiksha Anudeshak at different Education Guarantee Centres. The petitioners claim to have been possessing graduation degree. The petitioners also claim that as per Government Order dated 28-6-2006, when any education guarantee centre/alternative education center is

upgraded, the Acharya/Anudeshak, who are working in the Education Guarantee Centre/alternative education center would be deemed to be appointed/adjusted as Shiksha Mitra.

4. The grievance of the petitioners is that the respondent-authorities are not appointing them as Shiksha Mitra as per the G.O. dated 28-6-2006, rather applications are being invited from other candidates for the post of Shiksha Mitra. Further the petitioners are not being adjusted as Shiksha Mitra, though they are eligible for the same.

5. Counter affidavit has been filed on behalf of the State-respondents. In para 3-D of the counter affidavit filed on behalf of respondent Nos. 4 and 5 the following averments have been made:

D. That the said institution was upgraded in the year 2008-09 as Government Primary School and in the aforesaid upgraded school two posts of trained Assistant Teachers have been created vide Government order No. 1002/XXIV(1)/2008-37/2006 Education Department-I (Basic), Dehradun dated 4-11-2008, no post of Shiksha Mitra has been created. Consequently, Additional District Education Officer (Basic)/District Project Officer, Education to All, Chamoli vide its letter No. 5899-5906/N.Pra.Vi./2008-09 dated 29-1-2009 directed the concerned Block Education Officer to arrange a regular assistant teacher in the upgraded Education Guarantee Centre (Govt. Primary School) and accordingly the Block Education Officer appointed a regular assistant teacher in the aforesaid upgraded new Government Primary School who is regularly working in the aforesaid school.

6. According to the respondents, the petitioners have no right to continue on the post of Shiksha Mitra as this post has come to an end.

7. In the course of arguments, learned Brief Holder appearing for the State has submitted that similar controversy as involved in the present writ petition had arisen in Writ Petition No. 41 of 2010(S/S), Bala Dutt Sharma v. State of Uttarakhand and Ors. and the present writ petition is squarely covered by the order dated 2-6-2010 passed by this Court. Learned Counsel for the State has urged that his petition may be dismissed in terms of the order dated 2-6-2010.

8. I have perused the order dated 2-6-2010 passed by this Court in Writ Petition No. 41 of 2010(S/S), Bala Dutt Sharma v. State of Uttarakhand and Ors. and I am of the view that the controversy involved in the present writ petition is almost identical and the same stood resolved by the order dated 2-6-2010.

9. The writ petition is dismissed in terms of the order dated 2-6-2010 passed by this Court in Writ Petition No. 41 of 2010(S/S), Bala Dutt Sharma v. State of Uttarakhand and Ors.. The interim order dated 28-4-2009 is vacated. However, it is made clear that in the event the petitioners have worked either as Shiksha Anudeshak or as a Shiksha Mitra after up-gradation of the Education Guarantee Centre to a Government Primary School, pursuant to interim order dated

28-4-2009, they would be entitled to the honorarium of Shiksha Mitra as per Government Order dated 15th May 2006 as modified by subsequent Government Orders.