
(2010) 04 AHC CK 0095
In the Allahabad High Court

Smt. Sanjoo Yadav

APPELLANT

Vs

District Education Committee and Others

RESPONDENT

Date of Decision : 27-04-2010

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2010) 3 AWC 3050

Hon'ble Judges : R.K. Agrawal, J; Jayashree Tiwari, J

Bench : Division Bench

Final Decision : Allowed

Judgement

R.K. Agrawal and Jayashree Tiwari, JJ.—Present special appeal has been filed against the order dated 7th May, 2003 passed by the learned single Judge whereby the writ petition has been dismissed as not maintainable under Article 226 of the Constitution of India on the ground that Shiksha Mitra is not civil post.

2. We have heard Sri Indra Raj Singh, learned Counsel for the appellant and the learned standing counsel who appears for the respondents.

3. Sri Singh invited attention of this Court to a judgment rendered by a learned single Judge in the case of Urmila Chaurasia Vs. The State of U.P. and Others, , wherein the learned single Judge after going into the details of the Shiksha Mitra Scheme under which Shiksha Mitra is being appointed, has held that even though Shiksha Mitra will not hold a civil post the writ petition is maintainable as the correctness or otherwise of the action of the authorities on whom a duty is cast to act fairly under the Government order for making appointment of Shiksha Mitra can be gone into by this Court. We are, in respectful agreement with the view taken by the learned single Judge in the case of Urmila Chaurasia (supra) and hold that even though Shiksha Mitras do not hold civil post the writ petition is maintainable.

4. We, accordingly, set aside the impugned order dated 7th May, 2003 and remit the matter back to the learned single Judge for deciding afresh on merits. The

appeal succeeds and is allowed. However, there shall be no order as to costs.