

(2013) 09 AHC CK 0253

In the Allahabad High Court

Case No : Civil Miscellaneous Writ Petition No. 49917 of 2013

Smt. Sheela Dubey

APPELLANT

Vs

State of U.P. and Others

RESPONDENT

Date of Decision : 23-09-2013

Acts Referred:

Citation : (2013) 9 ADJ 348 : (2014) 2 ALJ 285 : (2013) 101 ALR 200 : (2013) 139 FLR 916

Hon'ble Judges : Rajes Kumar, J;Manoj Misra, J

Bench : Division Bench

Advocate : Jeevan Jee Srivastava, for the Appellant; Ajit Singh and Gautam Baghel, for the Respondent

Final Decision : Dismissed

Judgement

1. Supplementary-affidavit filed today, is taken on record. Heard learned counsel for the petitioner, learned Standing Counsel for the respondent No. 1 and Sri Ajit Singh for the respondent No. 2.

2. By means of the present petition, the petitioner is challenging the advertisement duly published in newspaper "Hindustan" dated 9.9.2013 (Annexure 18 to the writ petition) issued by the respondent No. 3 for making fresh selection against five posts of Lecturer in Mohammad Hasan Post Graduate College, Jaunpur.

3. According to the petitioner, she was appointed as Lecturer in B.Ed. Department in Mohammad Hasan Post Graduate College, District Jaunpur on contractual basis under the self finance scheme. It is submitted that her appointment was duly approved by the Vice Chancellor vide order dated 27.2.2008 and appointment was made for the period of 3-5 years with a condition that the petitioner will complete her Ph.D/NET/SLET by 30.6.2009. It is the case of the petitioner that under the Government orders relating to teachers" appointed under the self financing scheme, it is provided that after completion of

the initial term of appointment, renewal of the term for five years is to be considered if the work and conduct of the teacher is found to be proper. It is her case that without considering renewal of appointment of the petitioner the post has been advertised. Learned counsel for the petitioner further submitted that other persons, namely, Brijesh Kumar Dubey, Haushila Prasad Pandey, Ravi Kumar Mishra etc., with the same qualification, as the petitioner possesses, are continuing as Lecturer, therefore, the petitioner should also be allowed to continue as a Lecturer and, as such, the advertisement to fill up the post of Lecturer, on which petitioner is working, is not justified.

4. From the record, we find that the appointment of the petitioner was approved by the University vide letter dated 27.2.2008, which has been annexed as Annexure 10 to the writ petition. The said letter reveals that in view of the N.C.T.E. letter dated 29.6.2006 if the selected candidate does not attain qualification of either NET/SLET/Ph.D. by 30th June, 2009, the approval of appointment of such candidate would stand automatically cancelled. Admittedly, the petitioner's appointment was on contractual basis under the self finance scheme and the appointment was approved with a condition that the petitioner must qualify either NET/SLET/Ph.D by 30th June, 2009, which the petitioner has admittedly not qualified. As the appointment of the petitioner was conditional on fulfillment of the aforesaid eligibility condition, which the petitioner has failed to fulfill, we do not find any substance in the submission of the petitioner that her appointment was entitled to be considered for renewal.

5. It is settled law that a person must possess the minimum eligibility qualification for the post on which he or she is to be appointed. The Government Order dated 13.12.2006, which has been annexed as Annexure 5 to the writ petition, clearly provides that in addition to either M.Ed., M.A. (education) with B.Ed., a candidate must be NET/SLET in education or must possess such equivalent qualification as the University Grants Commission from time to time provides. For the reasons aforesaid, we do not find any good ground to interfere with selection process pursuant to the impugned advertisement. The writ petition is, accordingly, dismissed.