
(2002) 02 AHC CK 0025
In the Allahabad High Court
Case No : C.M.W.P. No. 17103 of 1996

Smt. Tara Devi and Others

APPELLANT

Vs

State of U.P. and Others

RESPONDENT

Date of Decision : 26-02-2002

Acts Referred:

Citation : (2002) 3 AWC 2151 : (2002) 3 UPLBEC 2261

Hon'ble Judges : R.B. Misra, J

Bench : Single Bench

Advocate : Arvind Kumar Srivastava and Ram Rawat, for the Appellant; V.K. Singh and S.C., for the Respondent

Final Decision : Dismissed

Judgement

R.B. Misra, J.—In this petition, the petitioners have prayed for quashing the orders dated 18.3.1996 and 17.1.1996 issued by respondents (Annexures-57 and 56) and further prayer has been made seeking direction to the respondents not to interfere in any manner in providing Basic Training Course of two years through correspondence to the petitioners and direction to the respondents to abide by the said Government orders 6.9.1994 and 21.10.1994.

I have heard Sri Arvind Kumar Srivastava, learned counsel for the petitioners and learned standing counsel for the respondents.

2. Brief facts necessary for adjudication of the writ petition are that the petitioners are appointed by Committee of Management and are working as Assistant Teachers in privately managed respective schools duly recognised by the Zila Basic Shiksha Adhikari under the provision of U. P. Basic Education Act, 1972 (hereinafter referred as the "Act"). According to the petitioners, they are in possession of minimum qualification and employed in unaided educational institution where petitioners are being paid salary by management through private funds. The petitioners have contended that they did not possess B.T.C. Training Certificate and were untrained teachers. The appointments of untrained

teachers were made In view of the fact that no trained teachers were available for appointment in the recognised unaided educational institutions.

3. The State Government by Government order dated 6.9.1994 (Annexure-53) directed that such untrained teachers may be permitted to join the two years B.T.C. correspondence course and after they pass, they could be given the trained teacher's grade. This Government order was followed by another Government order dated 21.10.1994 (Annexure-54 to the writ petition) which reiterates the similar direction. By a subsequent circular issued by the Director of Education (Basic) U. P. on 17.1.1996 (Annexure-56 to the writ petition), it was indicated that this benefit will be given only to the untrained teachers in institutions directly run by the Basic Shiksha Parishad.

4. By another Government order dated 18.3.1996 (Annexure-57), the earlier G.O. dated 6.9.1994 was modified. Now the petitioners are aggrieved against the Government order dated 18.3.1996 and they wanted direction by this Court so that their case should be considered for B.T.C. Learned counsel for the petitioners has referred the judgment dated 29.10.1996 of this Court passed in Writ Petition No. 10161 of 1996, *Rekha Devi v. State of U. P.* 1997 (1) AWC 10 : 1997 (29) ALT 35 7, where the Assistant Teachers in privately managed Junior High Schools and Primary Schools recognised by the Board of Basil Education, U. P. and employed in unaided educational institution approached this Court for getting the benefit of G.O. dated 18.3.1996 and this Court has observed that the G.O. dated 18.3.1996 is prospective in nature and not retrospective and the order dated 18.3.1996 could not be applied to untrained teachers who had been sent for training prior to the said order dated 18.3.1996, therefore, those untrained teachers of recognised institutions who were sent for training for B.T.C. prior to 18.3.1996 were to complete their training and give their examination but no untrained teachers who were sent for B.T.C. training on and after 18.3.1996 will be allowed to complete the training unless they come within the purview of the Government order dated 18.3.1996.

5. The untrained teachers thus teaching in un-recognised educational institutions would not get the benefit of the G.O. dated 6.9.1994.

6. In the light of above referred Judgment *Rekha Devi's* case (*supra*) after analysing the facts of the present case, it is clear that the petitioner being untrained teachers working in unaided educational school were not sent for training of B.T.C. prior to 18.3.1996 are not entitled to the benefit of G.O. dated 18.3.1996 as well as G.O. dated 16.6.1994 which has already been modified by G.O. dated 18.3.1996. Therefore, the prayer and the cause of action made in the writ petition have no legal force. Therefore, the writ petition is liable to be dismissed.

7. The writ petition is dismissed accordingly.