
(2011) 01 SHI CK 0002
In the High Court Of Himachal Pradesh
Case No : LPA No. 205 of 2010

State of Himachal Pradesh and Another	APPELLANT
Vs	
Sandeep Kumar and Others	RESPONDENT

Date of Decision : 06-01-2011

Acts Referred:

Citation : (2011) 01 SHI CK 0002

Hon'ble Judges : Kurian Joseph, C.J;V.K. Sharma, J

Bench : Division Bench

Final Decision : Dismissed

Judgement

V.K. Sharma, J.—The present Letters Patent Appeal arises out of judgment dated 03.06.2010, rendered by a learned Single Judge of this Court in C.W.P No. 2083 of 2009, allowing the writ petition filed by the Respondents against the Appellants and proforma Respondent No. 8, in representative capacity on their own behalf and for the benefit of 43 other similarly situate students mentioned in Resolution Annexure P-1 to the writ petition, in the following terms:

The result of the above discussion, the petition is allowed. The Respondents No. 1, 2 are directed to offer similar job opportunity to Petitioners and 43 students mentioned in Annexure P-1 as has been offered to the students of DIETS and four Colleges:

(i) Krishma Educational Centre, Dadour District Mandi, (ii) Indian Institute of Education, Hari Devi Ghana-Hatti, District Shimla, (iii) Abhilashi Educational Society, Ner Chowk, District Mandi and (iv) Dwarka Dass Memorial Sai Institute of Educational Training, Kallar, District Hamirpur after successful completion of JBT course in which they were admitted on the basis of 2004 test with a further direction to Respondents No. 1, 2 to get necessary surety bonds from Petitioners and 43 students mentioned in Annexure P-1 for serving Respondent No. 1 State on regular posts of JBT teachers on availability of posts. No costs.

2. Bereft of details factual matrix of the case is as follows. In 2004, Respondent

No. 1-State issued advertisement Annexure P-2, for filling up 1800 seats of two years Junior Basic Teachers (JBT) Training Course in 10 DIETS. Out of the combined merit list, 50 students each in order of merit were to be selected from two private Colleges, particulars whereof were not mentioned in the advertisement. The result of JBT examination was announced on 16.10.2004, which owing to intervening litigation was ultimately given effect only in March, 2006, pursuant to the directions issued by this Court. Resultantly, 1800 seats meant for DIETS were filled in by the Respondent-State and the session started in October, 2006. The admitted students were required to enter into bonds with Respondent No. 1-State undertaking to serve in the State against regular jobs to be provided by the State.

3. Later on, out of 11 private Colleges recognized by the National Council of Teachers Education (NCTE) 50 JBT seats were allotted for each of the four private Colleges namely ; (i) Krishma Educational Centre, Dadour District Mandi, (ii) Indian Institute of Education, Hari Devi Ghana-Hatti, District Shimla, (iii) Abhilashi Educational Society, Ner Chowk, District Mandi and (iv) Dwarka Dass Memorial Sai Institute of Educational Training, Kallar, District Hamirpur. Consequently, 200 seats were filled in these Colleges in the year 2007.

4. Thereafter, consequent upon filing of CWP No. 1903 of 2007, by Respondent No. 3-College in this Court, 50 JBT seats were also allotted to the said College in terms of undertaking dated 12.12.2007, pursuant to which the writ petition was withdrawn on 20.8.2008.

5. The grievance raised by the Petitioners is that all the students who were selected to undergo JBT Course out of 2004 test either in DIETS or in the aforesaid four private Colleges were offered regular jobs subject to execution of bonds to serve in the State, they, though similarly situate, have been singled out and discriminated against on the ground that pursuant to the Govt. policy, after February, 2008, all appointments in the State would be made on contract basis and as such the Respondent-State is not obliged to enter into bonds with the Petitioners, thereby granting regular jobs to them.

6. We have heard the learned Counsel for the parties and perused the record.

7. The controversy between the parties lies within a narrow compass. Whereas, according to the Petitioners 50 seats were allotted to Respondent No. 3-College on 11.12.2007 and as such was not bound by the subsequent Govt. policy that after February, 2008, all appointments in the State are to be made on contract basis, the stand on behalf of the Respondent-State is that the seats were allotted to the said College in the year 2008 and the session commenced only with effect from 5.3.2008, the Petitioners as also other 43 students of Respondent No. 3-College are to be governed by the aforesaid policy made effective from February, 2008, onwards.

8. The learned Single Judge vide para 20 of the impugned judgment , which is extracted below has found the above contention on behalf of the Respondent-

State to be factually incorrect:

The Respondents No. 1, 2 in para 2 (viii) of the reply have stated that 50 seats were allotted to Respondent No. 3 college in the year 2008, but this statement is factually incorrect inasmuch as vide order dated 2.12.2007 in CWP No. 1903 of 2007, 50 seats were allotted to Respondent No. 3 college on 11.12.2007. The Respondents No. 1, 2 however, in para 2 (viii) have further stated that the session of the Petitioners including other candidates started w.e.f. 5.3.2008. The starting of the course w.e.f. 5.3.2008 for Petitioners and other 43 students of Respondent No. 3 college was not within the hands of the students.

9. In view of the above, when as many as 1800 students admitted in DIETS and 200 students in the aforesaid four private Colleges out of the same test held in 2004, the Petitioners and other 43 similarly situate students admitted in Respondent No. 3-College out of the same selection process and that too at the intervention of this Court in CWP No. 1903 of 2007, they cannot be singled out for discriminatory treatment in terms of execution of bonds guaranteeing employment as JBT Teachers on successful completion of the course.

10. In view of the above, no case is made out for any interference with the judgment under challenge, dated 03.06.2010. The appeal is accordingly dismissed.