

(2011) 07 UK CK 0147

In the Uttarakhand High Court

Case No : Delay Condonation Application 5513 of 2011 in Special Appeal No. 99 of 2011

State of Uttarakhand and Others

APPELLANT

Vs

Krishna Devi Chauhan and Others

RESPONDENT

Date of Decision : 01-07-2011

Acts Referred:

Citation : (2011) 07 UK CK 0147

Hon'ble Judges : Barin Ghosh, C.J.;Serves Kumar Gupta, J

Bench : Division Bench

Final Decision : Dismissed

Judgement

Barin Ghosh, C.J.—We have considered the averments made in the application for condonation of delay in filing the appeal, and being satisfied with the reasons furnished therein, we allow the application.

2. Heard learned Counsel for the parties on the merits of the appeal.

3. The stand taken by the State that since the Respondents-Petitioners obtained graduation degree while they were discharging the duties and functions of "Shiksha Mitra", without permission of the State, the Respondents Petitioners are not entitled to be sent for BTC Training for the purpose of engaging them in primary schools, resulted in filing of the writ petition. That has been allowed by the judgment and order under appeal.

4. Learned Counsel for the State has not been able to produce any document, having statutory implication, suggesting that a "Shiksha Mitra", in order to pursue higher studies, is required to obtain any permission of the State. That being the situation, there is no scope of interference with the judgment and order under appeal.

5. It was sought to be insinuated that while purporting to render services of "Shiksha Mitra", Respondents-Petitioners could not pursue regular graduation

course. The said insinuation has two parts; one is that the Petitioners attended the regular course and, accordingly, did not attend to their duties of "Shiksha Mitra", and the other that the Petitioners, though enrolled themselves in regular course, did not attend class. These are factual matters, should have been highlighted appropriately for the purpose of obtaining adjudication thereon. That having not been done, we are of the view that the appeal is meritless, and the same is, accordingly, dismissed.