

(2010) 07 RAJ CK 0068

In the Rajasthan High Court

Case No : Civil Special Appeal (Writ) No. 05635 of 2009

Suresh Chandra Khatik

APPELLANT

Vs

The State of Rajasthan and Others

RESPONDENT

Date of Decision : 07-07-2010

Acts Referred:

Citation : (2010) 07 RAJ CK 0068

Hon'ble Judges : Dinesh Maheshwari, J;A.M. Sapre, J

Bench : Division Bench

Final Decision : Dismissed

Judgement

1. The defects/defaults as pointed out in this matter are taken note of and are ignored as in our opinion it is not necessary to remedied them.

2. The Appellant-Petitioner was engaged as "Vidhyarthi Mitra" to undertake teaching work in schools on contract basis under the scheme framed by the State Government; he approached this Court by filing the writ petition stating the grievance, inter alia, that his services would not be continued after summer break. It appears that the engagement of some of the similar incumbents continued during the pendency of the litigation pursuant to the orders passed by the Court. Thereafter, a batch of petitions involving similar issues was decided at Jaipur Bench of this Court on 08.05.2009 with certain directions essentially to the effect that the Respondents shall consider the cases of Petitioners for continuation in service until the regular selections were made but with the observations that the Petitioners would not be entitled for salary during the period of vacations i.e., when the schools remain closed. Following the said decision, the writ petition as preferred by the present Appellant has been decided by the learned Single Judge of this Court in the same terms and with the same directions. Hence, this appeal.

3. It is noticed that the intra-court appeals as filed at the Jaipur Bench against the order dated 08.05.2009 have since been considered and dismissed by a

Division Bench of this Court in the case of Rajendra Kumar Saini and 126 Ors. v. State of Rajasthan and Ors., reported in 2010 (1)WLC (Raj.)171.

4. In the said decision, this Court has clearly held while dismissing the similar nature appeals that the AppellantsPetitioners are not entitled to claim regularisation on the post on which appointments were given on contractual basis; that the Appellants-Petitioners, not appointed as per the recruitment rules, are not entitled to make a claim for equal pay; and they are not entitled to make a claim of salary for summer vacations.

5. It is further noticed that following the said decision in Rajendra Kumar Saini (supra), we have dismissed another batch of appeals led by SAW No. 580/2009: Chandar Prakash Bishnoi and Ors. v. The State of Rajasthan and Ors. on 15.02.2010. We do not find any ground to differ from the view already expressed in similar matters.

6. Accordingly, this appeal stands dismissed. No costs.