
(2008) 12 AHC CK 0111
In the Allahabad High Court

Suresh Kumar

APPELLANT

Vs

State of U.P.Thr.Secy Dept of Basic Eduction U.P.Civil

RESPONDENT

Date of Decision : 05-12-2008

Acts Referred:

Citation : (2008) 12 AHC CK 0111

Hon'ble Judges : Bala Krishna Narayana, J

Final Decision : Allowed

Judgement

B. K. Narayana, J.

Heard learned counsel for the petitioner, learned Standing Counsel for opposite party nos.1 and 2 and Sri D.R. Mishra, learned counsel for opposite party nos.3 and 4.

Issue notice to opposite party nos.5 and 6 returnable at an early date.

Steps within a week.

All the opposite parties are allowed four weeks" time for filing counter affidavit. Rejoinder affidavit may be filed within two weeks thereafter.

List immediately after expiry of the aforesaid period.

The instant writ petition has been filed by the petitioner for quashing the orders dated 29.09.2008, 04.06.2008 and 31.05.2008 (Annexure Nos.1, 8 and 2 to the writ petition) by which the opposite parties have refused to renew the engagement of the petitioner as Shiksha Mitra for the session 20082009. The impugned orders have been challenged by the petitioner on the grounds interalia that the same have been passed without issuing any notice to the petitioner and without affording him any opportunity of hearing and further the District Magistrate alone is competent to consider the claim of renewal of the term of a Shiksha Mitra on the basis of resolution of Village Education Committee whereas in the present case the Basic Shiksha Adhikari has refused to renew the

engagement of the petitioner as Shiksha Mitra without any authority of law.

In view of the aforesaid, the effect and operation of the orders dated 29.09.2008, 04.06.2008 and 31.05.2008 (Annexure Nos.1, 8 and 2 to the writ petition) shall remain stayed till the next date of listing.