
(2020) 08 SHI CK 0059
In the High Court Of Himachal Pradesh
Case No : CWPOA No. 5113 Of 2019

Sushma Devi

APPELLANT

Vs

State Of Himachal Pradesh And Ors

RESPONDENT

Date of Decision : 10-08-2020

Acts Referred:

Citation : (2020) 08 SHI CK 0059

Hon'ble Judges : Sandeep Sharma, J

Bench : Single Bench

Advocate : Vijay Bir Singh, Ashok Sharma, Arvind Sharma

Final Decision : Dismissed

Judgement

Sandeep Sharma, J

1. Pursuant to policy framed by the State Government for appointment of Education Volunteer (Siksha Sarthi) under the Scheme of Sarva Shiksha

Abhiyan, petitioner was appointed as Shikshsa Sarthi in the year, 2007. However, in the year, 2014, his services were terminated without issuing any

show cause notice and as such, petitioner approached the Erstwhile HP State Administrative Tribunal by way of OA bearing No. 1239 of 2015, which

now stands transferred to this Court for adjudication after abolition of the same, praying therein for following reliefs:-

â??That the respondent department may kindly be directed to re-engage the applicant for the post of Education Volunteer Shikhsa

Sarthi under the Scheme Sarva Shiksha Abhiyan.

That the respondent department may kindly be directed to release the salary of the applicant from 2007 to 2014.â??

2. Having heard learned counsel for the parties and perused pleadings adduced

on record by the respective parties, this court finds that though petitioner has claimed that he was given appointment by the respondent-State to the post of Siksha Sarthi in the year, 2007 vide letter dated 4.12.2007

(Annexure A-4), but perusal of the same nowhere suggests that he was ever given appointment as Siksha Sarthi by the respondent-State.

3. Leaving it aside, respondents No. 1 to 4 in the reply have categorically denied that the petitioner was appointed to the post of Shiksha Sarthi by way

of appointment letter dated 4.12.2007 (Annexure A-4). As per reply filed on behalf of the aforesaid respondents, petitioner was appointed by Pratham

Mumbai Education Initiative, a Non-Government Organization under Bombay Trust Act, 1950 having its office at Greater Mumbai, Maharashtra.

Respondents have categorically stated in their reply that they have/had no role in the engagement of the petitioner by the NGO as detailed herein

above. Besides above, Careful perusal of Annexure R-1 annexed with the reply filed by the respondent reveals that Shiksha Sarthis were not to be

provided any honorarium because they were locally recruited village level volunteers by the NGO, who were to organize a month long summer/winter

camps in villages with a view to support the school based Adhaar. Petitioner, who hails from block Indora, District Kangra, was engaged in

summer/winter read India camps during 2008-09 in village Kathgarh as Shiksha Sarthi (Volunteer). From July, 2010 to March 2011, she was

volunteered for summer/winter camps in the same village. However, as has been noticed herein above, no honorarium, if any, was to be paid and as

such, respondents have categorically refuted the claim of the petitioner for salary w.e.f. 2007 to 2014. Since there is no document worth credence

suggestive of the fact that petitioner was appointed as Shikhsa Sarthi by respondent-State, there appears to be considerable force in the submission

made by the learned Additional Advocate General that present petition is not maintainable. Apart from above, Pratham Mumbai Education Initiative,

who had actually offered appointment to the petitioner has not been arrayed as party respondent in the case at hand and as such, no relief as has been

prayed for in the petition can be granted in favour of the petitioner.

4. Consequently, in view of the above, this Court finds no merit in the present petition and as such, same is dismissed accordingly.