

(2010) 10 AHC CK 0315
In the Allahabad High Court
Case No : Special Appeal No. 707 of 2003

Trijugi Narain Tiwari

APPELLANT

Vs

State of U.P. and Others

RESPONDENT

Date of Decision : 28-10-2010

Acts Referred:

Citation : (2010) 10 AHC CK 0315

Hon'ble Judges : Ferdino Inacio Rebello, C.J;Amreshwar Pratap Sahi, J

Bench : Division Bench

Final Decision : Dismissed

Judgement

1. Heard learned Counsel for the appellant and perused the judgment and order of the learned Single Judge dated 17.07.2003.
2. The present dispute arises out of the claim of the appellant for appointment against a short term vacancy in an Intermediate College, namely, Shri Baini Madhav Tiwari Inter College, Jalaun, which is a recognized and aided Institution under the provisions of the U.P. Intermediate Education Act, 1921 and the regulations framed thereunder as also for payment of salary.
3. The appellant contended that he was appointed on ad hoc basis on account of ad hoc promotion of one Sri Bankey Lal Yadav. The appellant claims to have been appointed out of several candidates who had applied for the post, and was issued appointment letter by the Manager of the College on 25.07.1996. The Management of the College thereafter sent the papers with regard to the appointment of the appellant to the District Inspector of Schools for approval, but the District Inspector of Schools rejected the said request of the Management. Being aggrieved by the disapproval of the District Inspector of Schools, the appellant filed the writ petition giving rise to the present appeal.
4. The learned Single Judge, after having traversed the facts, found that the appointment of the appellant was not in accordance with law laid down by the judgment of the Full Bench in Radha Raizada v. Committee of Management and

Ors. reported in 1994 (3) UPLBEC 1551. The learned Single Judge further found that the appointment of the appellant was made pursuant to an advertisement published in an insignificant Newspaper, having inadequate circulation in the State of Uttar Pradesh and, therefore, it did not conform with the provisions of the Removal of Difficulties Order 1981. It was held that the vacancy created by the ad hoc promotion of Bankey Lal Yadav was also to remain in existence till a regularly selected candidate from the Commission on the post of Lecturer joined in view of the fact that the ad hoc promotion of Bankey Lal Yadav was against a substantive vacancy for the period till a duly selected candidate from the Commission joined.

5. Be that, as it may, the procedure for appointment of the appellant has not been found in accordance with law. In this view of the matter, we do not find any reason to interfere with the impugned judgment and order of the learned Single Judge and the appeal lacks merit. Accordingly, it is dismissed.