
(2017) 05 AHC CK 0108
In the Allahabad High Court
Case No : 6249 of 2014

UDAI PRATAP SINGH

APPELLANT

Vs

STATE OF U P THROUGH SECY SECONDARY EDU LKO & ORS

RESPONDENT

Date of Decision : 19-05-2017

Acts Referred:

[Code of Civil Procedure, 1908](#), [Order 8 Rule 5](#) -
Uttar Pradesh Secondary Education Services Selection Board Rules, 1998, Rule 14, Rule 14(6), Rule 14(1), Rule 14(2) -
Uttar Pradesh Secondary Education Services Commission and Selection Boards Act, 1982, Section 12

Citation : (2017) 05 AHC CK 0108

Hon'ble Judges : Pradeep Kumar Singh Baghel

Bench : Single Bench

Advocate : Avdhesh Shukla, Raghvendra Pratap Singh, Amar Singh, S Chandra

Final Decision : Allowed

Judgement

1. The petitioner is a lecturer in an intermediate college. He has instituted this writ petition for seeking quashment of an order dated 17.10.2014 passed by the Joint Director of Education, Faizabad Region, Faizabad, whereby he has decided the seniority viz-a-viz, the respondent no. 6 who is also a lecturer in the same institution.

2. The essential facts are Bachchu Lal Inter College, Purabazar, Faizabad (in short "the college") is a recognized intermediate college by the Board of High School and Intermediate Education. It receives financial aid from the State Government. The affairs of the college, the teachers and the employees are governed under the provisions of the Uttar Pradesh Intermediate Education Act 1921.

3. It is stated that the U.P. Secondary Education Services Board, issued an advertisement inviting the applications for the appointment to the post of Lecturers in different subjects. The petitioner made an application pursuant to

the said advertisement and was selected for the post of Lecturer, Geography. The Board vide its communication dated 23.02.2003, addressed to the District Inspectors of Schools, Faizabad sent the name of the petitioner for the appointment on the post of the Lecturer, Geography. Consequent upon, the District Inspector of Schools on 23.02.2003 forwarded the said communication to the authorized controller who was managing the affairs of the college for the appointment of the petitioner. The authorized controller issued an appointment to the petitioner. The petitioner joined on 12.03.2003. The petitioner has placed a joining report on record as Annexure No. 11 to the writ petition.

4. It is stated that there were 15 posts of Lecturers in the college in the year 1999. Under the 50% promotional quota, 7 teachers were already promoted, thus, there was only one post under promotion quota for L.T. Grade Teachers. It is stated that on the Retirement of Awadh Bihari Singh (Lecturer Economics), the Committee of Management has taken a resolution to promote one Rajendra Pratap Singh-II, the L.T. Grade Teacher as Lecturer Economics. No decision was taken by the authority concerned regarding his promotion. Thereafter another vacancy occurred in the post of the Lecturer Psychology for the promotion of the respondent no. 6 Devendra Singh. A copy of the resolution of the Committee of Management is on record.

5. It is stated that the respondent no. 6 namely Devendra Singh was a L.T. Grade Teacher and he was regularized on 26.09.2000. Hence, he was not qualified to be considered for promotion, hence the resolution dated 24.06.2002 promoting him on the post of Lecturer Psychology was illegal on two grounds. Firstly, there was only one post under the promotion quota against which Sri Rajendra Prasad Singh was promoted as a Lecturer Mathematics. Secondly, the respondent no. 6 did not have requisite experience of five years either on the date of the vacancy or when the decision was taken to promote him on 24.06.2002.

6. It is averred in the writ petition that the resolution dated 24.06.2002 was sent for promotion of the respondent no. 6 to the respondent no. 2, Joint Director of Education, Faizabad Region, Faizabad, who placed it before the Regional Level Committee, Faizabad Division, Faizabad.

7. On 12.09.2002, the respondent no. 2 returned the papers to the respondent no. 3, the District Inspector of Schools, Faizabad to consider the matter as there was dispute with regard to the promotion of Rajendra Prasad Singh and the respondent no. 6.

8. On 05.10.2002, the respondent no. 3 sent a communication to the authorized controller and Principal of the college to send the documents in respect of the promotion of Rajendra Prasad Singh and Devendra Singh, the respondent no. 6. The Principal, thereafter sent the papers back to the Regional Level Committee through the District Inspector of Schools.

9. The Regional Level committee on 02.07.2003 approved the promotion of respondent no. 6 and immediately on 10.07.2003, an order was issued in favour

of the respondent no. 6 who took charge on 11.07.2003 as a Lecturer, Psychology. The principal informed the District Inspector of Schools about the said fact. Similar letter was also issued to Rajendra Prasad Singh whose promotion was also approved by the Regional Level Committee.

10. The present dispute arose when the District Inspector of Schools issued a communication dated 30.06.2004 to the authorized controller / Principal of the college stating therein that pursuant to the resolution dated 24.06.2002, the respondent no. 6 is teaching as a Lecturer. Now he has been promoted on 11.07.2003, hence, he be paid the salary of the Lecturer from 01.07.2002. It is also stated that the seniority of the respondent no. 6 shall be counted from 01.07.2002, viz from the date when he started teaching as a Lecturer. The said letter indicate that the aforesaid decision was taken by the District Inspector of Schools on an application of respondent no. 6 and a copy of the said letter was not sent to the petitioner whose seniority was to be effected, nor any notice was sent by the District Inspector of Schools prior to taking of the said decision. The petitioner states that he had no knowledge about the order of District Inspector of Schools dated 30.06.2004.

11. The Seniority list of the institution for the year 2011 -12 was finalized showing the petitioner at Sl. No. 1 in the Seniority list and respondent no. 6 at Sl. No. 2. A copy of the said seniority list is on record.

12. On 30.06.2011, the vacancy occurred in the office of the Principal due to the retirement of Rajendra Prasad Singh, Lecturer Mathematics, who was functioning as ad-hoc Principal, the authorized controller on 29.06.2011, a day before the vacancy occurred, directed the petitioner to take over the charge of the office of the Principal on ad-hoc basis. The said letter was addressed to the District Inspector of Schools in which it was also stated that the petitioner was senior most teacher in the institution.

13. The District Inspector of Schools on 16.09.2011 approved the petitioner's ad-hoc appointment on the post of Principal. A copy of the the approval order is on record as Annexure No. 29 to the writ petition. Pursuant thereto the petitioner started functioning as ad-hoc Principal of the college.

14. On 03.02.2012, on the representation of the respondent no. 6, the Regional Level Committee referring the order of District Inspector of Schools dated 30.06.2004, took a decision that the respondent no. 6 be treated as a senior, as he started functioning as a lecturer from 01.07.2002 and the benefit of the seniority was also given to him from the date when he started teaching as a lecturer. The petitioner challenged the said order by means of writ petition no. 2536 of 2012 (S/S) in this Court at Lucknow Bench, challenging the orders dated 03.02.2012, 07.05.2012 and 30.06.2004, wherein an interim order was passed.

15. It is stated that the said writ petition was disposed of by the Court vide its judgment and order dated 17.07.2014 leaving it open to the petitioner to file an appeal before the respondent no. 2. The Joint Director who has rejected the

claim of the petitioner by means of the impugned order, holding that the respondent no. 6 by virtue of his length of service as Lecturer, is senior to the petitioner.

16. The writ petition was contested by State and respondent no. 6. A counter affidavit has been filed by the respondent no. 6. The stand taken in the counter affidavit is that the respondent no. 6 was promoted on the post of Lecturer of Psychology, vide resolution dated 24.06.2002 under 50% promotional quota against the post which fell vacant on 30.06.2002. The Regional Level Committee due to administrative lapse, took time and decided the issue on substantive appointment of respondent no. 6 on 02.07.2003 under Rule 14 of the Uttar Pradesh Secondary Education Services Selection, Board, Rule, 1998, hence, the respondent no. 6 claims that he is entitled for all service benefit including salary and seniority as a Lecturer w.e.f. 01.07.2002.

17. It is stated that the respondent no. 6 has submitted his objection vide letter dated 16.01.2004 stating therein that he is working as a Lecturer and teaching class 11 and 12 since 01.07.2002, hence, he is entitled for all the benefits of Lecturer w.e.f. 01.07.2002. The District Inspector of Schools vide order dated 30.06.2004 accepted the claim of the petitioner. It is also stated that the seniority in the college was settled. He also represented the matter to the Joint Director on 11.04.2002, who has passed the order in favour of the respondent no. 6 on 03.05.2012. It is also stated that the petitioner has no locus to challenge the order passed by Regional Level Committee as he is not the affected party.

18. I have heard Sri Avdhesh Shukla, learned counsel for the petitioner, Pt. S.Chandra, learned counsel for the respondent no. 6, learned Standing Counsel and perused the record.

19. Learned counsel for the petitioner submits that the petitioner was appointed as a regular Lecturer in Geography against substantive vacancy on 12.03.2003 and was conformed. The respondent no. 6 who was Assistant Teacher claims that he has been promoted on the post of Lecturer Psychology, pursuant to the resolution dated 24.06.2004 passed by the authorized controller. The alleged promotion from 01.07.2002 was contrary to the provisions of Uttar Pradesh Secondary Education (Services Selection Boards) Act, 1982 and the Uttar Pradesh Secondary Education Services Selection Board, Rules, 1998. Next he submits that the respondent no. 6 was not qualified to be promoted on 24.06.2002, as he did not have requisite experience of 5 years on substantive basis. The respondent no. 6 was promoted by the Selection Committee, constituted under Chapter III of Act No. 2, Section 12 of U.P. Secondary Education (Services Selection Boards) Act, 1982 on 02.07.2003 and he has taken charge on 11.07.2003, hence he was junior to the petitioner.

20. It was further submitted that in the seniority list in the year 2011-12, the petitioner is shown to be senior most teacher and the name of respondent no. 6

is shown at Sl. No. 2. The said seniority list has been signed by the respondent no. 6 without any protest. Hence, this long standing seniority should not have to be disturbed. It was further submitted that the respondent no. 6 was issued an appointment letter on 10.07.2003, in terms of Rule 14 (6) of 1998 Rules. He joined on 11.07.2003, if any delay was caused, it was due to the Principal and the respondent no. 6.

21. Learned counsel for the petitioner urged that the order of the Joint Director is cryptic and without any reason and he did not advert to the issues raised by the petitioner in his representation. Lastly, he urged that the Joint Director and earlier the Regional Level Committee has illegally taken into consideration the letter of the District Inspector of Schools dated 30.06.2004. In any view the decision was taken to give the seniority to respondent no. 6 from the date when he started teaching as a Lecturer without giving any opportunity to the petitioner. Thus, the said order was a nullity as it was passed in utter disregard to the Principle of Natural Justice.

22. Learned counsel for the petitioner has placed reliance on the judgments of the Ram Paras Yadav vs. State of U.P. And others, 2011 1 UPLBEC 753; State of Uttaranchal vs. Dinesh Kumar Sharma, 2007 1 SCC 683; Pawan Pratap Singh vs. Reevan Singh, 2011 3 SCC 267; State of Bihar vs. Akhouri Sachindra, 1991 Supp1 SCC 334; Rajendra Pratap Singh and Ors. vs. State of U.P. And Ors., 2011 7 SCC 743; State of U.P. vs. Synthetics and Chemicals Ltd., 1991 4 SCC 139 and Oswal Agro Mills Ltd. vs. CEE, 1993 Supp3 SCC 716.

23. Pt. S. Chandra, learned counsel for respondent no. 6 has submitted that the respondent no. 6 is the senior to the petitioner as his substantive appointment on the post of Lecturer Psychology is on 17.08.2002 and the date of substantive appointment of the petitioner is 12.03.2003, hence, the Joint Director has rightly held that the respondent no. 6 is senior to the petitioner. He has further submitted that the seniority in the college was never settled and earlier the petitioner had filed writ petition no. 2536 (SS) of 2012, wherein the sole prayer was to issue as direction the Joint Director to decide the appeal. Lastly, he urged that respondent no. 6 is continuously functioning as Lecturer, Psychology from 01.07.2002 and vide order of the District Inspector of Schools dated 30.06.2004, he is receiving the salary from retrospective effect, hence, his substantive appointment is dated 01.07.2002 when the substantive vacancy occurred and he was promoted by Committee of Management vide resolution dated 24.06.2002. He lastly urged that inaction on the part of the Joint Director and the Regional Level Committee taking decision for the promotion of the respondent no. 6, therefore, he should not be made to suffer. No other submission has been made.

24. Learned counsel for the respondent no. 6 has relied on a judgment, P.N. Premchandran vs. State of Kerala and others, 2004 1 SCC 245, Santosh Kumar Dubey and another vs. State of U.P. And others, 2010 1 UPLBEC 156; Writ Petition no. 1101 (S/S) of 2013 Ram Pratap Pandey vs. State of U.P. And others.

25. Learned Standing Counsel submits that the view taken by the Joint Director is correct and he has tried to justify reasons mentioned in the order of the Joint Director. He has largely supported the submissions of the learned counsel for respondent no. 6.

26. From the rival contentions it emerges that real question involve is the consideration of the regulation 3 under Chapter II of the Intermediate Education Act and Rule 14 of the 1998 Rules.

27. The parties are not in conflict on the following facts; The petitioner was appointed on 22.02.2003 by the Service Selection Board and an appointment letter was issued to him on 23.02.2003, pursuant there to, he joined on 12.03.2003 since, then he has continuously working in the college.

28. The respondent no. 6 was regularized as Assistant Teacher on 24.06.2002. The committee of Management passed the resolution to promote respondent no. 6 on the vacancy caused by retirement of Akhilesh Kumar Saxena on 30.06.2002. The respondent no. 6 started taken classes as Lecturer in Psychology from 01.07.2002. His papers sent for promotion. The Regional Level Committee on 02.07.2003 approved the promotion of respondent no. 6 along with Rajendra Prasad Singh in terms of Rule 14 of 1998 Rules. The appointment letter was issued to them on 10.07.2003 and the respondent no. 6 took the charge of Lecturer on 11.07.2003.

29. The issue arises for determination is whether the joining of respondent no. 6 on 11.07.2003 is to be taken into account for determination of his seniority in terms of Rule 14 of 1998 Rules or from the date when he started taking classes as a Lecturer, Psychology from 01.07.2002. In case, it is held that the substantive appointment of respondent no. 6 is on 11.07.2003 when on the recommendation of the Regional Level Committee, he was issued a letter of promotion and admittedly, he joined on 11.07.2003 then in that event the petitioner is senior to him as his date of joining is 12.03.2003.

30. The Regulation 3 under Chapter II of the Uttar Pradesh Intermediate Education Act is in following terms :- "3. (1) The Committee of Management of every institution shall cause a seniority list of teachers to be prepared in accordance with the following provisions :-

(a) The seniority list shall be prepared separately for each grade of teachers whether permanent or temporary, on any substantive post;

(b) Seniority of teachers in a grade shall be determined on the basis of their substantive appointment in that grade. If two or more teachers were so appointed on the same date, seniority shall be determined on the basis of age;

[(bb) Where two or more teachers working in the grade are promoted to the next higher grade on the same date, their seniority inter se shall be determined on the basis of the length of their service to be reckoned from the date of their substantive appointment in the grade from which they are appointed :

Provided that if such length of service is equal, seniority shall be determined on the basis of age.]

(c) A teacher in a higher grade shall be deemed to be senior to a teacher in the lower grade irrespective of the length of service;

(d) *** **

(e) *** **

[(f)*** **]

[(g)*** **]"

31. From a plain reading of the Regulation 3, it is evident that the seniority shall be referred from the date of substantive appointment.

32. Chapter III of Act No. 2 of Section 12 of U.P. Secondary Education (Services Selection Boards) Act, 1982 is extracted below :- "12. Procedure of selection by promotion.- (1) For each region, there shall be a Selection Committee, for making selection of candidates for promotion to the post of a teacher, comprising

(i) Regional Joint Director of Education: Chairman

(ii) Senior most Principal of Government

Inter College in the region: Member

(iii) Concerned District Inspector of School Member/Secretar.

(2) The procedure of Selection of Candidates for promotion to the post of a teacher shall be such as may be prescribed."

33. The Rule 14 of the Uttar Pradesh Secondary Education Services Selection Board, Rules, 1998 reads as under :- "14. Procedure for recruitment by promotion.-

(1) Where any vacancy is to be filled by promotion all teachers working in trained graduates grade or Certificate of Teaching grade, if any, who process the qualifications, prescribed for the post and have completed five years continuous regular service as such on the first day of the year of recruitment shall be considered for promotion to the lecturers grade or the trained graduates grade, as the case may be, without their having applied for the same.

Notes-For the purposes of this sub-rule, regular service rendered in any other recognised institution shall be counted for eligibility, unless interrupted by removal, dismissal or reduction to a lower post.

(2) The criterion for promotion shall be seniority subject to the rejection of unfit.

(3) The Management shall prepare a list of teachers referred to in sub-rule (1), and forward it to the inspector with a copy of seniority list, service records, including the character rolls, and a statement in the pro forma given in Appendix

"A".

(4) Within three weeks of the receipt of the list from the management under sub-rule (3), the Inspector shall verify the facts from the record of his office and forward the list to the Joint Director.

(5) The Joint Director shall consider the cases of the candidates on the basis of the records referred to in sub-rule (3) and may call such additional information as it may consider necessary. The Joint Director shall place the records before the Selection Committee referred to in sub-section (1) of Section 12 and after the committee's recommendation, shall forward the panel of selected candidates within one month to the Inspector with a copy thereof to the Management.

(6) Within ten days of the receipt of the panel from the Joint Director under sub-rule (5), the Inspector shall send the name of the selected candidates to the Management of the institution which has notified the vacancy and the Management shall accordingly on authorization under its resolution issue the appointment order in the proforma given in Appendix "F" to the such candidate."

34. From a conjoint reading of Regulation 3 and Rule 14, it instantly brings out that the Committee of Management has limited role under the scheme of Act, 1982 and Rule 1998. From the scheme of 1982 and Rule 1998. The Committee of Management is that, where a vacancy is to be filled under promotion quota, all the teachers working in trained graduate be considered for their promotion who possess the qualification and have completed five years continuous regular service shall be considered. The teachers do not have to apply for promotion. The criteria for promotion is a seniority subject to rejection of unfit. The role of the management is only to prepare a list of eligible teachers and forward it to the District Inspector of Schools along with a copy of the seniority list and other documents.

35. The Rule further enjoins that upon receipt of the said document, the Inspector shall verify the fact from the record and forward it to the Joint Director who shall place it before the three members Committee constituted under Section 12 of the Act.

36. Rule 14 further enjoins that all the relevant papers including character roll, service record shall be considered by the Selection Committee and it will make recommendation in the promotion. The regard being had to the fact that criteria for promotion is under sub-rule (2) of Rule 14 and seniority subject to rejection of unfit, therefore, the seniority is not the sole criteria for the promotion. A consideration of the merit is also necessary which has to be done by the Statutory Selection Committee which has been constituted under Section 12 of the Act. This exercise cannot be undertaken by the Committee of Management by taking of resolution to promote a teacher on the higher post. At the best, it is mere opinion of the Committee of Management about the suitability of the candidate. Rule 14(1) is very clear that the function of the Committee of Management is to consider all those teachers who have eligibility and five years

continuous service on the first year of the recruitment year. The said exercise has to be done by the Committee of Management which shall prepare the list of teachers referred in sub-rule (1). Thus, from the simple reading of Rule 14, it is evident that the Committee of Management cannot adjudge the suitability and recommend only one name but it has to prepare a list of teachers who possess the essential qualification and the experience. The final authority to take the decision is Statutory Selection Committee constituted under Section 12 of Act 5 of 1952.

37. Having regard to the scheme of the said rule, it is manifest that the promotion of the respondent no. 6 is on the basis of the resolution dated 24.06.2002 and immediately thereafter from 01.07.2002, the petitioner started functioning as a Lecturer. The assessment of the suitability in terms of Rule 14(2) can be adjudged only by the statutory committee and not by the Committee of Management alone.

38. In view of the above, I find that the order of District Inspector of Schools dated 30.06.2004 giving the seniority to the petitioner from 01.07.2002 is illegal.

39. The appointment of the respondent no. 6 from 1st July was de-hors of the rule. There is no provision which authorized the Committee of Management to take its decision about the suitability of a candidate and give him charge of the next promotional post by itself.

40. The order of the District Inspector of Schools dated 30.06.2004 has been relied by the Regional Level Committee and the Joint Director, they have failed to consider that the said order was passed by the District Inspector of Schools only on the representation of respondent no. 6 without furnishing any opportunity to the petitioner. The District Inspector of Schools has directed not only to pay salary from 06.07.2002 but has also issued direction for counting the said period for the seniority purpose. By the said order, the right of petitioner was adversely affected, hence, a notice to him before taking the decision was necessary.

41. It is trite that an order of an authority exercising judicial or quasi-judicial function passed in isolation of the Principles of Natural Justice is procedurally ultra vires, hence suffers from a jurisdictional error.

42. The law on the effect of violation of Principles of Natural Justice is too well settled to bear any repetition. Reference may be made to the recent decisions of Supreme Court in the cases of Alagaapuram R. Mohanraj & Others Versus Tamil Nadu Legislative Assembly Rep. by its Secretary & Another, 2016 6 SCC 82 and Rajendra Shankar Shukla & Ors. Vs. State of Chhattisgarh & Ors., 2015 10 SCC 400.

43. It is pertinent to mention that after passing of the order dated 30.06.2004, the seniority list of 2011-12 was determined in the college, a copy where of is on record.

44. A perusal of the said seniority list indicates (Annexure no. 27 to the writ

petition) that the respondent no. 6 has signed the seniority list without raising any objection. In the said seniority list, the date of joining of respondent no. 6 is mentioned as 11.07.2003. The learned counsel for the respondent could not satisfy the Court regarding the said fact.

45. The petitioner in paragraph 23 of the writ petition has referred about said seniority list. In the counter affidavit of respondent no. 6 has made an evasive reply. He has not denied the fact that the seniority list bears his signatures. He has also not denied that he has joined on 11.07.2003 as a Lecturer after the decision of the Regional Level Committee.

46. It is trite that if a fact has not been denied specifically in the counter affidavit then the said fact is deemed to be admitted. It is true that the provisions of C.P.C. are not applicable in the writ proceeding but its principles are applicable.

47. Order 8 Rule 5 of the C.P.C. provides that every allegation of fact in the plaint, if not denied specifically in his pleading then the said fact shall be taken to be admitted as evasive deny and shall be treated as admission.

48. The Joint Director in the impugned order has recorded only his conclusion. The order of the Joint Director is skeletal and cryptic. It is bereft of reasons.

49. It is well settled law that order of quasi-judicial officer must be a reasoned order. Reference may be made to the Judgment of S.N. Mukherjee v. Union of India, 1990 AIR(SC) 1984, the relevant part of the judgment reads as under: "36. Reasons, when recorded by an administrative authority in an order passed by it while exercising quasi-judicial functions, would no doubt facilitate the exercise of its jurisdiction by the appellate or supervisory authority. But the other considerations, referred to above, which have also weighed with this Court in holding that an administrative authority must record reasons for its decision, are of no less significance. These considerations show that the recording of reasons by an administrative authority serves a salutary purpose, namely, it excludes chances of arbitrariness and ensures a degree of fairness in the process of decision-making. The said purpose would apply equally to all decisions and its application cannot be confined to decisions which are subject to appeal, revision or judicial review. In our opinion, therefore, the requirement that reasons be recorded should govern the decisions of an administrative authority exercising quasi-judicial functions irrespective of the fact whether the decision is subject to appeal, revision or judicial review. It may, however, be added that it is not required that the reasons should be as elaborate as in the decision of a court of law. The extent and nature of the reasons would depend on particular facts and circumstances. What is necessary is that the reasons are clear and explicit so as to indicate that the authority has given due consideration to the points in controversy. The need for recording of reasons is greater in a case where the order is passed at the original stage. The appellate or revisional authority, if it affirms such an order, need not give separate reasons if the appellate or revisional authority agrees with the reasons contained in the order under

challenge."

50. The said judgment has been consistently followed by the Supreme Court. Reference may also be made to the following judgments :- Ravi Yashwant Bhoir vs. District Collector, Raigad and Others, 2012 4 SCC 407; Sant Lal Gupta and Others vs. Modern Cooperative Group Housing Society Limited and Others, 2010 13 SCC 336 and Kranti Associates Private Limited and Another vs. Masood Ahmed Khan and Others, 2010 9 SCC 496.

51. In the light of what has been noticed herein above, I am of the opinion that the impugned order has been passed without complying the Principles of Nature Justice and it is not supported by reasons, hence, it needs to be set aside. Accordingly, it is set aside. The matter is remitted back to Joint Director to decide the matter afresh after furnishing opportunity to the parties, expeditiously preferably within a period of three months.

52. Accordingly, the writ petition is allowed.

53. Parties are agreed to maintain the status quo till the aforesaid decision.