
(2015) 03 UK CK 0018

In the Uttarakhand High Court

Case No : Writ Petition No. 1605 (SS) of 2014

Ummed Singh

APPELLANT

Vs

State of Uttarakhand and Others

RESPONDENT

Date of Decision : 05-03-2015

Acts Referred:

Citation : (2015) 03 UK CK 0018

Hon'ble Judges : Sudhanshu Dhulia, J

Bench : Single Bench

Advocate : C.S. Rawat, for the Appellant; R.P. Sharma, Brief Holder, Advocates for the Respondent

Final Decision : Disposed off

Judgement

Sudhanshu Dhulia, J.

1. Mr. C.S. Rawat, Advocate, present for the petitioner. Mr. R.P. Sharma, learned Brief Holder, present for the State of Uttarakhand/respondent Nos. 1 to 4.

2. The petitioner, before this Court, is a Parent Teacher Association Teacher (from hereinafter referred to as the "PTA"), working in a grant-in-aid college, namely, Krishi Vigyan Inter College, Chanoli, District Almora since 13.09.2011.

3. As per the State counsel the matter regarding honorarium of the petitioner was forwarded on 05.12.2012 by the Committee of Management to the Chief Education Officer, Almora i.e. after the prescribed date which was 28.05.2012. The name of other PTA teachers has already been forwarded to the State Government whose names were forwarded by the Committee of Management before the prescribed date. Hence, it is not possible to give honorarium to the petitioner.

4. PTA is merely a stopgap temporary arrangement done in a private college in order to meet a particular contingency. It is by no way a regular appointment. This Court has noticed in more than one cases that for long periods PTA teachers

are continuing. This is both illegal and detrimental to the education system in the State.

5. In view thereof, a mandamus is hereby issued to the Director General, School Education, Uttarakhand to take appropriate action to fill vacant posts in the concerned schools including such posts which are presently occupied by such PTA teachers. The Committee of Management is also directed to make an appropriate requisition for filling up such vacancies. In case the vacancies are not filled in time, the State authorities shall be at liberty to initiate proceedings against the Committee of Management.

6. Let the needful be done within a period of 12 weeks from today.

7. Regarding the honorarium, petitioner is directed to make a representation to the authority concerned i.e. District Education Officer, Almora who shall decide the case of the petitioner in accordance with law as expeditiously as possible.

8. With the above directions, the writ petition stands disposed. No order as to costs.

9. Mr. R.P. Sharma, learned Brief Holder, undertakes to inform the Director General, School Education, Uttarakhand about this order. Let a certified copy of this order be supplied to the learned State counsel Mr. R.P. Sharma free of cost.