
(2009) 04 AHC CK 0212
In the Allahabad High Court

Vakil Ahmad

APPELLANT

Vs

State of U.P.and others

RESPONDENT

Date of Decision : 24-04-2009

Acts Referred:

Citation : (2009) 04 AHC CK 0212

Hon'ble Judges : V.K.Shukla, J

Final Decision : Disposed Of

Judgement

V.K. Shukla, J.

Petitioner has filed present writ petition for issuing a writ in the nature of mandamus directing respondent Nos. 2 and 3 to comply with the order dated 17.02.2009 passed by Gram Shiksha Samiti.

Brief background of the case is that the petitioner was selected and appointed as Shikshamitra for the academic year 200102. Thereafter, the petitioner was selected for B. Ed. course. He moved an application for grant of leave to pursue his B. Ed. Course. Petitioner's claims that permission was accorded to him and he completed B. Ed. Course. Thereafter, he approached the Gram Shiksha Samiti for permission to resume his duties as Shikshamitra, then resolution was passed on 17.02.2009 but the same is not being implemented and given effect to. At this juncture, present writ petition has been filed.

The claim of petitioner for resuming duty as Shikshamitra cannot be accepted for the simple reason that as per policy formulated for making selection and appointment on the post of Shikshamitra, the scheme in question is not employment oriented scheme, rather the said scheme is for a specific purpose to invite unemployed youths to come forward to serve the community. As per nature and tenure of the post of Shikshamitra, it is confined to one academic year, and in case the work and conduct of the incumbent is found satisfactory then his/her term is liable to be renewed. There is no concept provided for according leave of one year for pursuing B. Ed. course and then coming back to

resume duty as Shikshamitra. The Government Order dated 15.06.2007 has been floated for according leave for a limited period, but not the leave as has been claimed by the petitioner. The fact of the matter is that the tenure of the post of Shikshamitra is confined to one academic year and the B. Ed. course also consumes one complete year. Thus, seeing the nature and tenure of the post of Shikshamitra, no permission could have been accorded to the petitioner to pursue B. Ed. course, and after completing B. Ed. course, the petitioner cannot be permitted to resume duty as Shikshamitra.

In case fresh denovo proceedings have not been initiated to fill up the vacancy of Shikshamitra, then the authorities concerned are directed to undertake the proceedings for selection and appointment on the post of Shikshamitra.

Subject to above observation, present writ petition is dismissed.