

(2010) 10 SHI CK 0102
In the High Court Of Himachal Pradesh
Case No : CWP (T) No. 6061 of 2008

Zila Prashiksit Berozgar and Others

APPELLANT

Vs

State of H.P and Others

RESPONDENT

Date of Decision : 28-10-2010

Acts Referred:

Citation : (2010) 10 SHI CK 0102

Hon'ble Judges : Deepak Gupta, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

Deepak Gupta, J.—By means of this petition, the Petitioners have prayed that the decision of the State not to include the category of Craft Teacher for appointment to various categories of teachers in Government Schools is illegal and be set-aside and the Respondents be directed to fill in the vacancies of Classical and Vernacular Teachers after earmarking proportionate vacancies to the category of craft teacher.

2. The Petitioners are all qualified Art and Craft teachers. It is not disputed that there was a separate cadre of Art and Craft teachers in various schools in Himachal Pradesh. On 16th December, 1988 the State of Himachal Pradesh took a decision with regard to the integration of craft teachers working in the schools in the State. The State took a decision to integrate the craft teachers in the category of Classical and Vernacular Teachers. Thereafter on 31st August, 1995 another letter was issued by the State. In this letter it was noticed that there were about 1227 Classical and Vernacular Teachers working against the post of JBT and 105 Shashtries (C&V) were working against the post of language teacher. According to the State there were no vacancy in the cadre of C&V against which such teachers could be regularized and it therefore decided to regularize the services of C&V teachers serving as JBT/language teachers. The C&V teachers who had put in 10 years service as JBT/LTs would be issued a special certificate and on the basis of this certificate the aforesaid teachers would

be deemed to possess the essential qualification for being appointed against the post of JBTs/LTs. Those teachers who had not completed 10 years service would be issued such certificate only after completion of 10 years service. It was also decided that since a large number of B.Ed and C&V teachers were available they shall be considered for appointment on contract basis against the post of JBT. However, craft/music teachers were not included in these categories. This has given rise to the grievance of the Petitioner who claimed that the decision to exclude the art & craft/music teachers is arbitrary, illegal and invalid.

3. The stand of the State is that there is no requirement of craft/music teachers in the classes where junior basic teachers are appointed. The JBT teachers are appointed basically in primary schools and at this level art & craft and music are not taught and therefore, the aforesaid categories have been excluded. The decision taken by the State is a policy decision. It cannot be said to be arbitrary. The State has come to the conclusion that the craft and music teachers are not required at the level of JBT teachers. No material has been placed on record to show that the reasoning given by the State is incorrect. The classification is, therefore, reasonable. Accordingly, there is no merit in the petition, which is dismissed. No order as to costs.