

Court No. - 9

Case :- CONTEMPT APPLICATION (CIVIL) No. - 2723 of 2021

Applicant :- Smt Rashmi Singh

Opposite Party :- Sri Rajeev Kumar Yadav D.B.E.O.

Counsel for Applicant :- S B Singh, Shridhar Tripathi

Counsel for Opposite Party :- Durga Singh

Hon'ble Rohit Ranjan Agarwal, J.

The writ Court on 01.02.2021 in Writ - A No.954 of 2021 passed the following order :

"Heard learned counsel for the petitioner, learned Standing Counsel for respondents no.1, 3 & 4, Sri Durga Singh, learned counsel for the respondent no.2 and Sri R.B. Yadav, learned counsel for the respondents no.5 & 6.

The petitioner has been appointed on contract basis as teacher for imparting education in Kasturba Gandhi Awasiya Balika Vidyalaya, Khandauli, District Agra. The term of contract of the petitioner was extended from time to time. The District Basic Education Officer, Agra by order dated 20.11.2020 has refused to extend the contract of petitioner on the ground that petitioner is not eligible to take classes in any subject.

Challenging the aforesaid order, learned counsel for the petitioner has placed reliance upon Paragraph 3 of the Government Order dated 29.07.2013 which provides for qualification to be possessed by a teacher. Paragraph 3 of the said Government Order is extracted herein-below:-

अर्हता :

वार्डन एवं शिक्षक के पदों के लिए निर्धारित योग्यता उच्च प्राथमिक स्तर की टी०ई०टी० एवं प्रशिक्षित स्नातक होगी। प्रशिक्षण उपाधि के अंतर्गत एन० सी० टी० ई० से मान्य बी० एड तथा उसके समकक्ष एल०टी० इत्यादि प्रशिक्षण को सम्मिलित किया जायेगा।

It is submitted by learned counsel for the petitioner that the petitioner possesses TET certificate as well as B.Ed degree, copies of certificates of which are enclosed as Annexure 2 & 3 to the writ petition, and thus, the reasons for refusing the extension of term of contract of petitioner is not sustainable in law and against the record.

Learned counsel for the respondents submits that the petitioner does not possess requisite qualification for being appointed as teacher on contract basis and therefore, extension of term of contract has rightly been refused.

Matter requires consideration.

The respondents are granted four weeks time to file counter affidavit. Four weeks thereafter is allowed to the petitioner for filing rejoinder affidavit.

Until further orders of this Court, the respondents are directed to take work from the

petitioner as teacher and pay the salary.

List on 01.03.2021 before appropriate Bench."

From perusal of the order passed by writ Court it is clear that opposite parties were directed to take work from the applicant as teacher and pay salary.

Second compliance affidavit was filed by the opposite party on 30.09.2021 wherein in paras 6 and 7 it has been stated that the salary from the month of February, 2021 to the month of October, 2021 was sanctioned on 26.11.2021 and thereafter the same was paid into the account of the applicant.

As the order of the writ Court was complied with and the salary has been paid to the applicant, the contempt application does not survive and stands dismissed.

Contempt notice stands discharged.

Order Date :- 24.11.2023

Kushal