

Court No. - 5

Case :- WRIT - A No. - 6407 of 2008

Petitioner :- Umesh Chandra Verma S/O Shri Ganpat Verma

Respondent :- State Of U.P. Through The Principal Secretary

Counsel for Petitioner :- Pt.S.Chandra

Counsel for Respondent :- C.S.C

Hon'ble Irshad Ali,J.

1. Heard Sri Pt. S. Chandra, learned counsel for the petitioner and learned Additional Chief Standing Counsel for the respondents-State.

2. While entertaining the writ petition, an interim order was granted vide order dated 01.10.2008, which is being quoted below:

"

.....

Accordingly, petitioners are also entitled for salary as an interim measure. They shall be paid regular salary w.e.f. 01.10.2008 till further orders or till regular appointment is made in due course."

3. Controversy involved in the present writ petition was engaging attention of the Division Bench of this Court. Thereafter, the matter was referred to the Larger Bench in Writ Petition No.655 of 2014 titled 'Abhishek Tripathi v. State of U.P. through Secy. Secondary Education, Lko. & Ors. which was decided vide order dated 17.12.2015 with the direction that the Committee of Management has no right to make appointment, therefore all appointments were held to be illegal.

4. The matter went up to the Hon'ble Supreme Court in Civil Appeal No.8300 of 2016 titled 'Sanjay Singh and others v. State of U.P. and others' wherein by means of a judgment the Hon'ble Supreme Court resolved that by enforcing special right fresh selection proceeding be initiated by giving weightage to the teachers appointed under Section 16-E(11) or on ad hoc basis.

5. In pursuance to the direction issued by the Hon'ble Supreme Court, special right proceedings were initiated and selections were made by inviting applications from candidates who were

parties to the litigation. The result of the same has been declared and selection proceedings have been completed and report in this regard has also been submitted before Hon'ble Supreme Court.

6. In view of the above, this writ petition is finally **disposed off** with a direction to the respondents that the teachers/ lecturers who are at present the TGTs and Lecturers would continue to be so employed till regularly selected candidates appoint and to the extent the financial benefits are given by the State Government to the institutions against appointments made in compliance with Section 11-E(11) of the Act, the same will also be given to provide succour to the TGTs/ Lecturers.

Order Date :- 30.10.2023

GK Sinha