Court No. - 5

Case :- WRIT - A No. - 5208 of 2006

Petitioner :- Ram Kumar
Respondent :- State Of U.P.Through Secretary Secondary Education And 4 Ors
Counsel for Petitioner :- Pankaj Bajpai,Abhishek Mishra,Anand Dwivedi,Dinesh Kumar Pushpakar,Manoj Kumar Pandey
Counsel for Respondent :- C.S.C.,Beena Kishore,Krishna Kumar Singh

Hon'ble Irshad Ali,J.

1. Heard learned counsel for the parties.

2. While entertaining the writ petition, an interim order was granted vide order dated 14.06.2006, which is being quoted below:

".....

In view of the above, the operation and implementation of the impugned order dated 18.03.2006 passed by the D.I.O.S. and subsequent order passed by the Committee of Management on 30.05.2006 shall remain stayed till the next date of listing. The petitioner shall be allowed to continue on the post held by him and he shall be paid salary.

....."

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. though 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 of 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 :- 12.10.2023
Adarsh K Singh

Digitally signed by :-
ADARSH KUMAR SINGH
High Court of Judicature at Allahabad,
Lucknow Bench