

Court No. - 8

Case :- WRIT - A No. - 2394 of 2019

Petitioner :- Sushil Kumar Mishra

Respondent :- State Of U.P. Thru Prin. Secy. Madhyamik Education And Ors.

Counsel for Petitioner :- Pt. S. Chandra

Counsel for Respondent :- C.S.C.

Hon'ble Dinesh Kumar Singh,J.

1. Heard Mr. Pt S. Chandra, learned counsel for the petitioner, as well as Mr. Jogendranath Verma, learned Standing Counsel, for the respondents-State Authorities.

2. This petition under Article 226 of the Constitution of India has been filed, seeking quashing of the order dated 28.08.2018 passed by the District Inspector of Schools, Balrampur (for short 'DIOS') whereby the petitioner's engagement, as part-time teacher/lecturer in Government Inter College, Darichaura, Balrampur has not been extended, and it has been said that there is no requirement of keeping the part-time teacher/lecturer on fixed honourarium inasmuch the petitioner was employed as part-time teacher under arrangement of 'Parent Teacher Association' (for short "PTA").

3. The petitioner is post-graduate (M.A. in Economics) and Bachelor of Education (B.Ed.). The petitioner had worked as Instructor in '*Praudh Shiksha Scheme*' and as part-time lecturer in Government Inter College, Gonda from 24.08.2009 to 20.12.2011 on fixed honourarium. The petitioner was not allowed to work after 20.12.2011 as part-time Principal of the Government Inter College, Dari Chaura, Utraula, Balrampur.

4. The petitioner filed Writ Petition No.2219 (S/S) of 2012 before this Court which was finally disposed of vide order dated 06.10.2017. The petitioner was given opportunity to move a representation before the competent Authority and the competent Authority was directed to decide the representation in accordance with law. The Director got certain information from the DIOS, who obtained the same from the Principal of the College, and thereafter passed the impugned order.

5. On behalf of the petitioner, it is submitted that the petitioner is qualified to work as a part-time lecturer. He has a long experience of teaching. There are several posts of lecturers of

economics vacant in Government Inter Colleges. If the authorities are making appointment of part-time teacher/lecturers in the Government Inter Colleges, the petitioner's case for part-time teacher/lecturer should also be considered, and he should be given preference, looking at his past experience.

6. On behalf of the respondents, it is submitted that the petitioner's appointment in the Government Inter College, as part-time lecturer, was temporarily made by the PTA for teaching on fixed honourarium of Rs.2,100/- which was paid to him by PTA for the period from 24.08.2009 to 20.12.2011. This arrangement by the PTA was closed, and the Government Inter College, Dari Chaura stopped taking work from the petitioner, and there was no provision of keeping the teachers on honourarium basis.

7. Be that as it may, the petitioner has taught in the Government Inter College, which is not in dispute. The petitioner is also qualified to teach upto Class-XII. If there are vacant posts of the lecturer in economics in the said College or any other College in district Gonda, and in absence of a regular appointment, the work of teaching is taken from the part-time lecturer, the petitioner's case should also be considered and giving him appointment, as part-time lecturer, would be subject to regular candidates join the post. The petitioner should be given some preference for his past experience of teaching, if the authorities are appointing the part-time teachers on fixed honourarium. The petitioner may approach the Director, Secondary Education with an application and certified copy of this order for necessary action on his application.

8. DISPOSED OF.

[D. K. SINGH, J.]

Order Date :- 26.5.2023
MVS/-