

Court No. - 8

Case :- WRIT - A No. - 2407 of 2019

Petitioner :- Dhani Ram

Respondent :- State Of U.P. Thru. Prin.Secy. Panchayat Raj Lko. And Ors.

Counsel for Petitioner :- Pradeep Kumar Rai,Prakash Pandey,Praveen K. Shukla,Sandeep Kumar Rawat

Counsel for Respondent :- C.S.C.

Hon'ble Dinesh Kumar Singh,J.

1. Despite the matter being listed peremptorily, learned Counsel for the petitioner has not put in appearance even in the revise call to assist this Court in disposal of the present petition. However, Shri Jogendra Nath Verma, learned Standing Counsel for the State-respondents is present and he has assisted this Court.

2. The present petition under Article 226 of the Constitution of India has been filed seeking following reliefs:-

"(i) Issue a writ, order or direction in the nature of Certiorari quashing the impugned order dated 07.01.2019 passed by the opposite party No.4 as contained in Annexure No.1 to this writ petition.

(ii) Issue a writ, order or direction in the nature of Mandamus commanding the opposite parties to allow the petitioner to continue as Gram Rojgar Sewak at Village Panchayat-Korar, Block-Pehla, District-Sitapur and pay his honorarium/salary each and every month.

(iii)...

(iv)..."

3. The petitioner was offered appointment on the post of Panchayat Mitra vide order dated 13.09.2006 and in pursuance to the said appointment order, the petitioner joined the services on 21.09.2006. Initially the engagement of the petitioner was for a period of one year or till continuity of the scheme.

4. At the time of his selection on the said post, the petitioner was pursuing his Bachelor of Arts Degree from Fakhruddin Ali Ahmad Government Post Graduate College, Mahmoodabad, District-Sitapur with Hindi, English and Sociology as three subjects.

5. The petitioner used to attend evening classes and duties and

responsibilities of the said post of Panchayat Mitra were not affected by his pursuit of higher qualification. The said post of Panchayat Mitra was designated as Gram Rojgar Sewak in the year 2007. The petitioner's engagement was extended on year to year basis till his services came to be terminated vide impugned order dated 07.01.2019. The ground taken in the impugned order is that while the petitioner was performing the duties as Panchayat Mitra/Gram Rojgar Sewak, he was also pursuing Bachelor of Arts Degree.

6. In the appointment letter, there is nothing to suggest that pursuing higher education is a ground for disqualification from service. Further, the petitioner would have completed Bachelor of Arts Degree in the year 2007-08 and his termination order was passed on 07.01.2019. The ground on which the petitioner's services came to be terminated is wholly fallacious, unjust and untenable. Eleven years after he completed his graduation, terminating his services on the ground that he had pursued graduation degree during his employment is wholly arbitrary and therefore, the present writ petition is **allowed**. The impugned order dated 07.01.2019 is set aside. If the post is vacant in the concerned Gram Panchayat, the petitioner should be given appointment forthwith.

7. No order as to cost(s).

(Dinesh Kumar Singh, J.)

Order Date :- 5.7.2023

Piyush/-