(2011) 11 AHC CK 0356

Allahabad High Court

Case No: Service Single No. 8370 of 2011

Basant Kumar		APPELLANT
	Vs	
State of U.P. and Others		RESPONDENT

Date of Decision: Nov. 22, 2011

Hon'ble Judges: Anil Kumar, J

Bench: Single Bench

Judgement

Hon''ble Anil Kumar, J.

Heard Sri Ram Vijay Yadav, learned counsel for petitioners, learned State counsel, Sri R.P. Verma, learned counsel appearing on behalf of opposite no.4 and perused the records.

2. Learned counsel for petitioners submits that the controversy involved in the present case is squarely covered by a decision of this Court dated 16.08.2011 passed in Writ Petition No. 5084 (SS) of 2011 (Pratibha Dwivedi Vs. State of U.P. and others), the operative portion of the same on reproduction reads as under:

Looking into the facts and circumstances of the case, I am of the considered opinion that if the Village Education Committee grants permission even for regular course and the Shiksha Mitra completes education, the same cannot be ignored for the purpose of their career for the reason that the candidates completed their course through regular education. Only the apprehension which has been shown by the Hon''ble Judge that since the Shiskha Mitras are appointed to impart education to the primary school''s children and the period for appointment is of only one year and during this period if they are granted leaves to upgrade their education through regular course, the education of children shall be hampered.

It is not in dispute that the Government Order provides procedure for appointment of Shiksha Mitras and also permits the renewal of their appointments and ensures their continuation after getting renewed, who are working since so many years as

the present case is, therefore, I am of the view that upgraded their education through regular process without hampering the education should be honoured and the education received by the Shiksha Mitras should be acknowledged to ensure the improvement of their job careers.

Under the circumstances, I hereby quash the order impugned dated 4.8.2011 passed by the opposite party no.4 as contained in annexure No.1 to the writ petition and issue a writ of mandamus to the respondents to acknowledge and recognize the petitioner''s qualification of B.A/B.Ed for the purpose of training.

In the result, the writ petition is allowed.

3. Learned counsel for petitioners submits that thereafter in view of the judgment given by this Court in the aforesaid writ petition, number of writ petitions were allowed. One of them is Writ Petition No. 6313 (SS) of 2011 (Subhash Chandra & another Vs. State of U.P. and others) allowed on 12.09.2011, the order passed therein on reproduction reads as under:

Admittedly the petitioners'' examination of Graduation was over, but the result was not declared. In the meantime they were appointed as Shiksha Mitra. The minimum qualification of which is Intermediate. Therefore, I am of the view that once at the point of entry, they possess the maximum educational qualification, it is immaterial rather their result of Graduation was declared earlier or later on. Therefore, on the ground that their result of Graduation was declared after their appointment, they cannot be debarred from training of Shiksha Mitra.

In light of the aforesaid observation I am of the view that the petitioners are entitled for training of Shiksha Mitra as has been held by this court in Writ petition No. 5084 (SS) of 2011. Accordingly the order impugned dated 4.9.2011 is hereby quashed.

Considering the facts as well as the status of the petitioners the benefit of judgment and order dated 16-8-2011 passed in the above noted writ petition is extended to the present petitioner also.

In this manner, the writ petition is disposed of finally with a direction to the respondents to consider the petitioners'' candidature for sending in the training on the basis of the principles laid down in the aforesaid writ petition.

4. Learned counsel for petitioners further submits that present writ petition may be allowed in terms of aforesaid orders.

5. Learned counsel for respondents has no objection to the abovesaid prayer.

6. Accordingly, the present writ petition is disposed of with direction to official respondent to consider the petitioners'' candidature for sending them on training in view of directions as given by this Court vide order dated 16.08.2011 passed in Writ Petition No. 5084 (SS) of 2011, subject to the provisions of law which governs the field.

7. With the above observations, writ petition is finally disposed of.