

**(2010) 07 AHC CK 0483**

**Allahabad High Court**

**Case No:** C.M.W.P. No. 33777 of 2007

Narendra Singh

APPELLANT

Vs

State of U.P. and Others

RESPONDENT

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**Date of Decision:** July 22, 2010

**Citation:** (2010) 6 AWC 5535

**Hon'ble Judges:** Amreshwar Pratap Sahi, J

**Bench:** Single Bench

**Final Decision:** Allowed

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### **Judgement**

@JUDGMENTTAG-ORDER

Amreshwar Pratap Sahi, J.

Heard learned Counsel for the Petitioner and the learned standing counsel for the Respondent Nos. 1 and 2.

2. The challenge in this writ petition is to the order dated 20.6.2007 passed by the District Inspector of Schools whereby the proposal sent by the management in respect of the ad hoc appointment of the Petitioner against a short term vacancy has been turned down on the ground that the management does not have any power to make any such appointment against a short term vacancy after 25.1.1999.

3. Learned Counsel for the Petitioner contends that the writ petition was entertained and since the dispute relating to the power of the management to continue to make such appointment had been referred to a Larger Bench therefore the matter was deferred. The said aspect of the matter has now been resolved by a Division Bench of this Court in the case of Writ Petition No. 20843 of 2002, Daya Shanker Misra v. State of U. P. Writ Petition No. 20843 of 2002, decided on 31.3.2010. The Division Bench has now laid down the law that the management continues to have the power to make ad hoc appointment against a short term vacancy under the provisions of the U. P. Intermediate Education Act, 1921 and the regulations framed thereunder even after the Removal of Difficulties Orders have been rescinded on

25.1.1999. The said question having been answered by the Larger Bench, the issue is no longer res-integra.

4. Accordingly the reasons given in the impugned order dated 20.6.2007 do not survive. The impugned order dated 20.6.2007 is quashed. The matter is remanded back to the District Inspector of Schools, Aligarh to pass a fresh order after examining the claim of the Petitioner in the light of the observations made hereinabove within three months from the date of production of a certified copy of this order before him.

5. The writ petition is allowed. No order as to costs.