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## Narendra Singh Vs State of U.P. and Others

Court: Allahabad High Court

Citation: (2010) 6 AWC 5535

Date of Decision: July 22, 2010

Hon'ble Judges: Amreshwar Pratap Sahi, J

Bench: Single Bench
Final Decision: Allowed

## **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regulations framed thereunder even after the Removal of Difficulties Orders have been rescinded on 25.1.1999.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.