
J.A.S. Inter College, Khurja, Uttar Pradesh and others Vs State of Uttar Pradesh and others

I.A. No. 3 in Writ Petition No. 928 of 1992.

Court: Supreme Court of India

Date of Decision: July 8, 1996

Acts Referred:

Difficulties Order, 1981 " Section 5#Uttar Pradesh Secondary Education Services Commission and Selection Boards Act, 1982 " Section 11, 18(3)

Citation: (1996) 6 AD 48 : AIR 1996 SC 3420 : (1996) 5 SCALE 292 : (1996) 10 SCC 71 : (1996) 3 SCR 96 Supp

Hon'ble Judges: K. Ramaswamy, J; G. B. Pattanaik, J

Bench: Division Bench

Advocate: Gaurav Jain and Abha Jain, for the Appellant; R.C. Verma, T.N. Singh and B.M. Sharma, for the Respondent

Final Decision: Disposed Of

Judgement

@JUDGMENTTAG-ORDER

1. It was mentioned in the order dated April 8, 1996 that in spite of adjournment of the case repeatedly, counter affidavit has not been filed.

Consequently, this Court directed the respondents to appoint 18 teachers as required by the petitioners within the specified time. It is now the

admitted position that eight teachers selected by the U.P. Secondary Education Service Commission were appointed. One of them had not joined

the service. Consequently, seven persons out of 18 have taken charge. Resultantly, 11 candidates were not recommended for appointment by the

Commission. The petitioner-college appears to have appointed 11 teachers. It would be obvious that these 11 teachers would be ad hoc

appointees pending disposal of the Writ petition and they would not and should not claim any right or equity whatsoever pursuant to the Said

appointment. Under Sub-section (3) of Section 18 of the U.P. Secondary Education Services Commission and Selection Board Act, 1982 (Act 5

of 1982), appointment of an ad hoc teacher under Sub-sections (1) and (2) shall cease to have effect from the earliest of the dates mentioned

therein, namely, (a) when the candidates recommended by the Commission or Board, as the case may be, join the post; (b) when the period of

one month referred to in Sub-section (4) of Section 11 expires; or (c) 30th day of June following the day of such ad hoc appointment. In that view,

the ad hoc appointments though not consistent with Section 5 of the 1st Removal of Difficulties Order, 1981 and, therefore, not according to rules,

would remain operative until either of the events occur. The said arrangements of ad hoc appointment, if the writ petition is disposed of earlier,

would be subject to the result in the writ petition. In other words, the ad hoc appointees should be replaced by candidates selected by the

Commission and recommended for appointment in accordance with the said Act.

2. The application is accordingly disposed of.