

Ajai Kumar Srivastava and another

Vs

Deputy Director of Education, Vth Region, Varanasi and others

Spl. Leave Petn. No. 6813 of 1990

(Dr. T. K. Thommen, S. C. Agarwal JJ)

21.09.1990

ORDER

1. By order dated 22nd December, 1989 the High Court of Allahabad directed that the Assistant Registrar, Firms, Societies and Chits to consider the question as to who was the legally selected or elected President of the Sansthapak Mandal at the relevant time. The dispute is between Dr. Arun Kumar Upadhyay and Mr. Anil Kumar Upadhyay. Each of them claims that he is the legally selected or elected President.

2. The Assistant Registrar considered the matter and decided in favour of Mr. Anil Kumar Upadhyay. The decision of the Assistant Registrar has now been challenged in the High Court by Dr. Arun Kumar Upadhyay and it is pending there.

3. The two petitioners before us claim that they were appointed as Lecturers by Dr. Arun Kumar Upadhyay in the College maintained by the Mandal. They say that because of the finding of the Assistant Registrar in favour of Mr. Anil Kumar Upadhyay, the petitioners are denied their salary for the period during which they have actually worked as Lecturers. They claim that they are still working as Lecturers in the College, but no salary is paid to them. Respondents Nos. 6 and 7 also claim to have been appointed as Lecturers by the competent authority.

4. The question as to whether the petitioners and respondents Nos. 6 and 7 have worked and are still working in the College as Lecturers, and are, therefore, entitled to the salary for the work rendered by them is a matter which has to be considered and decided by the High Court in the proceeding now pending before it as regards the rival contentions of Dr. Arun Kumar Upadhyay and Mr. Anil Kumar Upadhyay, each of whom claims to be the competent appointing authority.

5. In the circumstances, we see no reason to deal with this petition on the merits here. This is a matter for consideration by the High Court. Accordingly, the petition is dismissed with no order as to costs.

Petition dismissed.

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