

J. A. S. Inter College, Khurja, U. P. and Others

Vs

State of U. P. and Others

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

(K. Ramaswamy, G. B. Pattanaik JJ)

08.07.1996

ORDER

1. It was mentioned in the order dated 8-4-1996 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 Boards 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 post of one month referred to under 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 First 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.