

# SUPREME COURT OF INDIA

Dr. Nanda Ballabh Pathak

Vs.

State of U.P.

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

12.07.1996

## ORDER

Leave granted.

This appeal by special leave arises from the judgment and order dated May 24, 1995 of the Allahabad High Court in Special Appeal No.401/92. The appellant was working as a Hindi Pandit in the L.T. Grade. The Bazpur Cooperative Sugar Factory Inter College, Bazpur, District Nainital was upgraded from High School. Four posts, including the post of a Hindu Pandit, were sanctioned for recruitment. The appellant is an M.A., Ph.D. in Hindi. He staked his claim for promotion to that post. It was not acceded to. Consequently, he filed the writ petition in the High Court. The learned single Judge as well as the Division Bench of the High Court have negatived his claim. Thus this appeal by special leave.

The only question involved in this case is: whether the appellant is eligible for appointment as a Hindu Pandit in the intermediate college. Shri Pramod Swarup, learned counsel for the appellant contended that since one Smt. Lila Singh was already working in the school as a Sanskrit teacher, insisting upon his having B.A. degree in Sanskrit is contrary to the statutory rules and that, therefore, the High Court was not right in rejecting his abovesaid claim. We find no force in the contention. It is seen that Smt. Lila Singh is working as Sanskrit teacher in the High School but not in the college. As a consequence, when the vacancy had arisen for Hindi Pandit in the college, admittedly, the qualification prescribed is M.A. in Hindi and B.A. in Sanskrit, apart from B.Ed., since both Hindi and Sanskrit are to be taught by the same teacher in the college. Admittedly, the appellant did not possess B.A. degree in Sanskrit. Under those circumstances, rejection of his claim cannot be said to be vitiated by any error of law. In addition, the High Court has also pointed out that the Management had stated in their counter-affidavit filed in the High Court that the said post was reserved for the Scheduled Caste and was notified by the U.P. Secondary Education Service Commission, His claim was rejected on that ground also. Under these circumstances, we do not think that it is a case warranting interference. The appeal is accordingly dismissed. No costs.