

PETITIONER:
SATYENDRA NATH BAJPAI

Vs.

RESPONDENT:
INSPECTOR GENERAL OF REGISTRATION UTTAR PRADESH & ANR.

DATE OF JUDGMENT 27/09/1995

BENCH:
AGRAWAL, S.C. (J)
BENCH:
AGRAWAL, S.C. (J)
JEEVAN REDDY, B.P. (J)

CITATION:
1996 AIR 674 JT 1995 (7) 128
1995 SCALE (5) 624

ACT:

HEADNOTE:

JUDGMENT:

J U D G M E N T

S.C. AGRAWAL, J.
Leave granted.

The appellant was appointed as Registration Clerk on daily wage basis by order dated February 14, 1985. He had worked as Registration Clerk on daily wage basis during various periods from February 14, 1985 to March 31, 1990. His services were not availed thereafter. The appellant filed a writ petition (writ petition No. 849/95 [8030/90]) in the Allahabad High Court wherein he claimed that he has been shown at serial No. 1 in the approved list of candidates issued by the District Registrar, District Hardoi, and that the service of Pradyumna Kumar and Maghad Prasad whose names were shown at serial Nos. 5 and 14 respectively in the said list have been regularised but the appellant has not been regularised. In the counter affidavit filed on behalf of the respondents in the said writ petition in the High Court, it was not denied that persons whose names were shown below the name of the appellant in the list of approved candidates had been regularised but the appellant had not been appointed though there was a vacancy in District Hardoi where he could be absorbed. The High Court, on March 30, 1993, passed an interim order directing that the appellant be paid regular scale of salary which other Registration Clerks were getting with effect from April 1, 1993. The grievance of the appellant is that the writ petition of the appellant was heard by the High Court alongwith special appeals and writ petitions of other Registration Clerks appointed on daily wage basis and by the common judgment dated February 8, 1995 the writ petition of the appellant has been dismissed. The learned counsel for the appellant has also placed reliance on the decision of the High Court in Rajiv Kumar Shukla v. District Registrar, Hardoi & Ors. (Writ Petition No. 6167 of 1990) dated July 2, 1990 wherein direction has been given that the said Rajiv

Kumar Shukla who was shown at serial No. 34 in the approved list of candidates be considered for appointment according to rules against the post which shall said become available in District Hardoi and in pursuance of the said order he has been appointed on regular basis.

The High Court while dismissing the writ petition of the appellant has not considered the aforementioned facts relating to the case of the appellant. We are of the opinion that the writ petition of the appellant should have been considered by the High Court in the light of the circumstances referred to above.

The appeal is, therefore, allowed, the judgment and order of the High Court dated February 8, 1995 in so far as it relates to dismissal of writ petition No. 849/95 (8030/90) filed by the appellant is set aside and the said writ petition is remitted to the High Court for consideration on merits. No costs.