

PETITIONER:

J.A.S. INTER COLLEGE KHURJA, U.P. & ORS.

Vs.

RESPONDENT:

STATE OF U.P. & ORS.

DATE OF JUDGMENT: 08/07/1996

BENCH:

K. RAMASWAMY, G.B. PATTANAIK

ACT:

HEADNOTE:

JUDGMENT:

O R D E R

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 person 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 and 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 preferred to under sub-section (4) of Section 11 express; 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.

The application is accordingly disposed of.