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DR. NANDA BALLABH PATHAK

v.

STATE OF U.P. AND ORS.

JULY 12, 1996

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[K. RAMASWAMY AND G.B. PATTANAIK, JJ.]

Service law—Promotion—Appellant working as Hindi pandit in High School—Upgradation of School to Inter College—Claim for post of Hindi Pandit in College—Writ—Rejection of claim by High Court—Appeal—
C *Prescribed qualification for post M.A. in Hindi and B.A. in Sanskrit apart from B.Ed.—Held Rejection of appellant's claim was right since he was not possessing B.A. Degree in Sanskrit—Held no interference was called for with decision of High Court.*

D CIVIL APPELLATE JURISDICTION : Civil Appeal No. 9481 of 1996.

From the Judgment and Order dated 24.5.95 of the Allahabad High Court in S.A. No. 401 of 1992.

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Pramod Swarup for the Appellant.

R.C. Verma and R.B. Misra for the State.

Mrs. S. Janani for the Respondents.

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The following Order of the Court was delivered :

Leave granted.

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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

H learned single Judge as well as the Division Bench of the High Court have

negatived his claim. Thus this appeal by special leave.

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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-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.

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The appeal is accordingly dismissed. No costs.

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T.N.A.

Appeal dismissed.