

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

v.

STATE OF U.P. AND ORS.

JULY 8, 1996

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

*Service Law :*

C *U.P. Secondary Education Service Commission and Selection Board Act, 1982/1st Removal of Difficulties Order, 1981 :*

D *S. 18/s. 5—Teachers—Ad hoc appointment —During the Pendency of the writ petition this Court directed the respondents to appoint 18 teachers as required by the petitioner College—U.P. Secondary Education Service Commission selected 8 teachers but one did not join—The petitioner appointed 11 teachers—Held, 11 teachers appointed by the College 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—Ad hoc appointees should be replaced by candidates selected by the Commission and recommended for appointment in accordance with the Act.*

E CIVIL ORIGINAL JURISDICTION : I.A. No. 3.

IN

Writ Petition No. 928 of 1992.

F (Under Article 32 of the Constitution of India.)

Gaurav Jain and Ms. Abha Jain for the Petitioner.

R.C. Verma for the Respondent for State.

G T.N. Singh and B.M. Sharma for Commission.

The following Order of the Court was delivered :

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.

H 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 Board 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 period of one month referred to in 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 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.

R.P.

Petition disposed of.