

Smt. Pushpa Dwivedi Vs. District Project Coordinator Rajiv Gandhi Shiksha Mission, District - Panna (M.P.)

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Court : Madhya Pradesh

Decided On : Sep-28-2012

Appellant : Smt. Pushpa Dwivedi

Respondent : District Project Coordinator Rajiv Gandhi Shiksha Mission, District - Panna (M.P.)

Advocate for Pet/Ap. : Smt. Sudha Gautam

Judgement :

Smt.

Pushpa Dwivedi versus District Project Coordinator & ORS.Review Petition No.654

28. 9.2012: Smt.

Sudha Gautam, learned counsel for the petitioner.

Seeking review/recall of an order dated 5.7.2012 passed in W.P.No.5720/2002 petitioner has filed this writ petition.

Petitioner Smt.

Pushpa Dwivedi was petitioner in the said writ petition, whereas respondent Nos.5 & 6 namely Shri Rudra Pratap Parmar and Shri Ram Bahadur Tripathi were petitioners in W.P.No.4818/2002, both these petitions were decided on 5.7.2012.

Rudra Pratap Parmar and Ram Bahadur Tripathi were appointed as Guruji in the year 1999, both of them started working, however while so working in the year 2002 i.e. on 9.8.2002 their services were terminated without issuing any show-cause notice and without granting any opportunity.

After terminating the services of both these persons the petitioner Smt.

Pushpa Dwivedi was appointed.

It was the case of Shri Rudra Pratap Parmar and Shri Ram Bahadur Tripathi that their termination is illegal and on political consideration Smt.

Pushpa Dwivedi the present petitioner is being appointed.

The matter was considered and it was pointed out in the writ petition that in view of certain circulars issued by the State Government on 28.2.2001 and 23.7.2002 as one post of Guruji has to be filled-in by a lady candidate, the impugned action was taken and the present petitioner Smt.

Pushpa Dwivedi was appointed.

This Court taking note of all these factors and on the basis of material that came on record found that circulars were 2 issued on 28.2.2001 and on 23.7.2002 and as the appointment of Guruji were made much before that in the year 1999, the claim for appointment of a lady was rejected, the termination of Shri Rudra Pratap Parmar and Shri Ram Bahadur Tripathi was interfered with and their petition allowed.

As far as W.P.No.,5720/2002 filed by petitioner was concerned, challenging the order dated 10.7.2002 by which her appointment as Guruji was suspended due to an interlocutory order passed in the case of other two persons i.e. W.P.No.4818/2002 the only ground canvassed in this review application is that the appointments were made in the year 1999 and even at that time the policy for

appointment of second guruji, a lady was available which was introduced in the year 1997-98 when the policy Annexure P-5 came into force.

Accordingly, contending that the claim of petitioner has been incorrectly rejected inspite of fact that policy was introduced in the year 1997-98 was for appointment of second Guruji by given preference to a women.

It is stated that there is error in order passed and same be corrected.

I have gone through records and it is seen that the W.P.No.5720/2002 was decided after hearing the counsel for the petitioner and all concerned.

It was clearly indicated by the State Government in the return that they have taken action in view of circular Annexure R-1 dated 23.7.2002 and this Court found the same to be not applicable to the appointment in question which made in the year 1999, the so called policy filed by petitioner Annexure A-5 does not contain any date of its 3 issuance and the year 1997-1998 is written in hand, most probably by the petitioner and filed, there is nothing on record pointing out any error apparent on the face of record in deciding the writ petition.

The date 1997-1998 shown in the policy Annexure P-5 is not an authentic one it is written separately.

That apart when Shri Rudra Pratap Parmar and Shri Ram Bahadur Tiwari were appointed in the year 1999 and when their services were to be terminated after appointment granted, the power minimum to show goes only to them and hearing them was necessary and same having not been done, I see no error apparent on the face of record warranting review/recall of order passed on the grounds canvassed.

Accordingly finding no case to interfere into the matter the application is dismissed.

(Rajendra Menon) Judge ss/-