

Ashok Kumar Tripathi Vs. District Inspector of Schools, Mainpuri and Others

Ashok Kumar Tripathi Vs. District Inspector of Schools, Mainpuri and Others

SooperKanoon Citation : sooperkanoon.com/449225

Court : Allahabad

Decided On : Sep-10-1998

Reported in : 1999(1)AWC71

Judge : M. Katju, J.

Appeal No. : C.M.W.P. No. 28846 of 1998

Appellant : Ashok Kumar Tripathi

Respondent : District Inspector of Schools, Mainpuri and Others

Advocate for Def. : S.C.

Advocate for Pet/Ap. : Ganga Prasad, Adv.

Judgement :

M. Katju, J.

1. Heard learned counsel for the petitioner.

2. The petitioner was appointed as a teacher in lecturer's grade in the institution in question on a short term vacancy, but admittedly the vacancy on which the petitioner was appointed was not advertised in newspapers having wide circulation which is required under the law as held by the Full Bench of this Court in Radha Raizada v. Committee of Management, 1994 (3) UPLBEC 1551, as well as in S. K.

Dixit v. D.I.O.S., Agra and others, 1995 (26) ALR 601. The vacancy was advertised in some local newspaper 'Dainik Jantantra' as stated in paragraph 4 of the writ petition. I am not satisfied that this newspaper 'Dainik Jantantra' is a well known newspaper having wide circulation. There are several well-known newspapers in U. P. in Hindi and English, e.g., Dainik Jagaran, Amar Ujala, Aaj, Rastriya Sahara, etc. in Hindi, and Pioneer, Hindustan Times, Times of India etc. in English, but it is surprising that the vacancy was not advertised in any of the above newspapers or any well-known newspapers. In this State in almost every city a large number of 'farzi' and fake newspapers having little or no circulation have 'sprung up' whose only purpose is to create the impression that the vacancy, tender, notices etc. have been advertised so that if the matter goes to Court, they can attempt to put up a defence in support of this illegality. All these matters have been discussed in S. K. Dixit's case (supra) and it was held in that case that any such appointment or contract will be illegal unless it is advertised in two well-known newspapers having wide circulation.

3. Learned counsel for the petitioner relied on a decision of this Court in Special Appeal No. 948 of 1995, Ashika Prasad Shukla v. District Inspector of Schools, decided on 18.8.1998. I have carefully perused the Division Bench decision which has only held that Radha Raizada's case (supra), which has followed the decision in K. N. Dwivedi v. District Inspector of Schools. 1994 (1) UPLBEC 461, will apply prospectively. Since K. N. Dwivedi's case was decided on 13.1.1994. any appointment prior to 1994 will not be illegal even if the vacancy was not advertised in well-known newspapers. Admittedly the petitioner was appointed in 1995, that is after the decision in K. N. Dwivedi's case. Hence the decision in Radha Raizada's case will clearly apply to this case. Since the vacancy was not advertised in two well-known newspapers having wide circulation. the appointment of the petitioner was illegal. The petition is dismissed. However, the Management may advertise the vacancy in two well-known newspapers having wide circulation and make the appointment thereafter in accordance with law. The petitioner may also apply against the said advertisement.