

Maithali Sharan Karan Vs. Committee of Management, Christian Intermediate Collage and ors.

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SooperKanoon Citation : sooperkanoon.com/482788

Court : Allahabad

Decided On : Sep-06-1996

Reported in : (1997)1UPLBEC491

Judge : B. Dikshit, J.

Acts : [Constitution of India](#) - Article 30; Uttar Pradesh Secondary Education Service Commission and Selection Board Act; Uttar Pradesh Intermediate Education Act

Appeal No. : Civil Misc. Writ Petition No. 23324 of 1990

Appellant : Maithali Sharan Karan

Respondent : Committee of Management, Christian Intermediate Collage and ors.

Advocate for Def. : S.C. Kushwaha, Adv.

Advocate for Pet/Ap. : B.R. Singh, Adv.

Disposition : Petition dismissed

Judgement :

B. Dikshit, J.

1. By this petition the petitioner has sought a direction in the nature of mandamus commanding the Committee of Management Christian Intermediate College, Mainpuri (in short 'institution') not to hold interview of the post Physical Director in the institution and to appoint the petitioner under 40 per cent quota as L. T. Grade teacher to the subject of Arts. Admittedly, the institution is a minority institution and in view of judgment of Division Bench of this Court, against which the Counsel for petitioner is unable to show me anything, U. P. Secondary Education Service Commission and Selection Board Act nor Regulation of Chapter II, of Regulations framed under U. P. Intermediate Education Act is applicable this institution (See Civil Misc. Writ Petition No. 9776/1984, decided on 31 -8-1984, N.B. Lal v. District Inspector of Schools, In view of aforesaid Division Bench decision the petitioner cannot claim that the post is to be filled up by promoting him against 40 per cent quota. As the petitioner has no right to seek filling up of the post by promotion, he can neither get the relief for mandamus nor the prayer for not holding interview to the post of Physical Director at the institution.

2. The writ petition fails and is dismissed in limine. Interim order dated 7-9-1990 is vacated.