

**Court No. - 10**

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**Case :- WRIT - A No. - 14166 of 2021**

**Petitioner :-** Badri Nath Tripathi

**Respondent :-** State Of U.P. Through Its Secretary, And 4 Others

**Counsel for Petitioner :-** Abhishek Goswami, Sr. Advocate

**Counsel for Respondent :-** C.S.C.

**Hon'ble Rohit Ranjan Agarwal, J.**

1. Heard Sri R.K.Ojha, Senior Advocate, assisted by Sri Abhishek Goswami, for the petitioner, and learned Standing Counsel for respondents-State.

2. On 07.01.2022 following order was passed:

*"Instructions filed today be kept on record.*

*The petitioner was teaching Sanskrit subject in D.I.E.T., Bansi, Siddharth Nagar, with effect from the year 2012. Since there was no post of lecturer of Sanskrit in the D.I.E.T., Bansi, Siddharth Nagar, the petitioner was appointed on a contractual basis. The requisition for appointing teachers was sent on 14.7.2020, on which date, the Director of D.I.E.T. wrote to the various institutions situate at Mainpuri, Bijnore, Saharanpur, Hardoi, Lakhimpur Khiri, Chandauli, Sonbhadra, Maharajganj, Deoria, Kushinagar, Chittrakoot and Siddhartha Nagar, that out of 1280 vacancies, 1230 teachers had to be appointed for various subjects. However, there was no mention with regard to the appointment on the post of lecturer for Sanskrit. A further direction was issued that teachers appointed on contractual basis in subjects where regular appointments were being made be removed.*

*The Deputy Director/Principal of the D.I.E.T. Bansi, Siddharth Nagar wrote on 21.7.2020 to the Director of the State Council of Educational Research and Training, Uttar Pradesh, Lucknow, that since there was no post for Sanskrit teacher, what exactly was to be done with the petitioner's case. Thereafter, by an order dated 11.2.2021 passed by the Deputy Director/Principal of the D.I.E.T. Bansi, Siddharth Nagar, the petitioner was removed from his service and challenging this order the instant writ petition has been filed.*

*It has been contended by the learned counsel for the petitioner that when the Sanskrit subject was being taught in the D.I.E.T. Bansi, Siddharth Nagar, then the petitioner ought to have been continued on contractual basis till such time as there was a post created and a regular selection was made.*

The court finds strange that when the subject of Sanskrit is being taught in the institution then why post for Sanskrit Teacher was not being created. Stranger still is the fact that when a person on contractual basis was being made to teach in the institution of D.I.E.T. Bansi, Siddharth Nagar, then why he was not being allowed to continue on a contractual basis. If the petitioner is removed then how the subject of Sanskrit would be taught is not clear.

Learned Standing Counsel to take instructions on the following points:-

I. Why no post of lecturer (Sanskrit) has been created in the D.I.E.T., Bansi, Siddharth Nagar, and why the petitioner was not being allowed to continue on a contractual basis.

II. When there was no regular selection made on the post of lecturer in Sanskrit then why as per the letter of the Director of the State Council of Educational Research and Training, Uttar Pradesh, Lucknow, the teacher who was teaching on contractual basis in the subject of Sanskrit was being removed.

III. Why there is no post for Sanskrit Lecturer in the Rules of 2013.

Learned Standing Counsel is granted a week's time to take instructions.

Place this petition as fresh on 18.1.2022.

If by the next date no substantive instructions are produced, the Court would consider passing an interim order."

3. Pursuant to the aforesaid order, instructions have come, which has been placed before the Court and are taken on record.

4. Learned Standing Counsel submitted that as per the instructions, so received, there is no sanctioned post of Lecturer (Sanskrit) and the Lecturer appointed for teaching Hindi, having studied in High School, Intermediate and in Graduation with subject 'Sanskrit', shall also teach Sanskrit.

5. Sri R.K.Ojha, learned counsel for the petitioner submitted that the petitioner was appointed as a Guest Lecturer in D.I.E.T., Bansi, Siddharth Nagar on contractual basis for teaching Sanskrit but by order impugned dated 11.02.2021, he has been removed from services.

6. This Court is amazed by the action of the State Educational Authorities as to the justification for not creating the post of Lecturer (Sanskrit) and the reason for the same had been sought from the State Authorities on earlier occasions, but, no plausible reason has been given except that the rules do not provide for appointment of Lecturer (Sanskrit).

7. At this stage, this Court finds that despite there being no sanctioned post of Lecturer (Sanskrit), the State Authorities are inducting/appointing lecturers for teaching Sanskrit in various institutions on contractual basis but no reason has been assigned by the State Authorities as to why step-motherly treatment has been given to the language 'Sanskrit' in the State of U.P.

8. The stand taken by the State in its instructions that a Lecturer appointed to teach 'Hindi' can also teach 'Sanskrit' does not appeal to the Court as Sanskrit is a specialized subject and State should include the same in its list and make proper appointment after creating and sanctioning the post.

9. This Court finds that the State cannot give such step-motherly treatment to language Sanskrit, which is one of the oldest language of Indian civilization and appointing teachers only on contractual basis and when the regular appointments are made, such contractual appointments are made to suffer at the whims and fancy of the State Educational Authorities who are entrusted to take decision for the welfare of the State and protecting language.

10. Looking to the gravity of the matter, the State is directed to come up with an affidavit of respondents No.1 and 2 within three weeks from today.

11. Put up this matter as fresh on 21.02.2022.

12. Till the next date of listing, the petitioner shall continue as Guest Lecturer on contractual basis.

**Order Date :-** 18.1.2022

Kushal