

IN THE HIGH COURT OF JUDICATURE FOR MADHYA PRADESH

AT JABALPUR

BEFORE

HON'BLE SHRI JUSTICE RAVI MALIMATH,

CHIEF JUSTICE

&

HON'BLE SHRI JUSTICE PURUSHAINDRA KUMAR KAURAV

ON THE 27th OF JANUARY, 2022

WRIT PETITIONER No. 1386 of 2022

Between:-

**YOGENDRA SHRIVASTAV S/O SHRI
CHOOTELAL SHRIVASTAVA, AGED
ABOUT 51 YEARS, OCCUPATION-GUEST
FACULTY (YOGA), GOVERNMENT ,
SHYAM SUDAR AGRAWAL, P.G.COLLEGE
SIHORA DISTRICT-JABALPUR R/O IN
FRONT OF GAYATRI MANDIR, GADIYA
MOHALLA, SIHORA DISTRICT-
JABALPUR (M.P.).**

.....PETITIONER

(BY SHRI PARAG TIWARI, ADVOCATE)

AND

- 1. STATE OF MADHYA PRADESH THROUGH
SECRETARY, PRINCIPAL SECRETARY
DEPARTMENT OF HIGHER EDUCATION,
MANTRALAYA, VALLABH BHAWAN
BHOPAL (MADHYA PRADESH).**
- 2. COMMISSIONER HIGHER EDUCATION,
SATPURA BHAWAN, BHOPAL (M.P.)**
- 3. SACHIV/PRINCIPLE, JAN BHAGIDARI/ SELF
FINANCE GOVERNMENT SHYAM SUDAR
AGRAWAL P.G.COLLEGE, SIHORA DISTRICT
JABALPUR (M.P.)**

4. UNIVERSITY GRANT COMMISSION
THROUGH ITS DEPUTY SECRETARIAT,
BAHADUR SHAH JAFAR MARG, NEW DELHI.

.....RESPONDENTS

*(BY SHRI ANKIT AGRAWAL, GOVERNMENT ADVOCATE
FOR RESPONDENTS No.1 to 3 AND SMT. NIRMALA NAYAK,
ADVOCATE FOR RESPONDENT NO.4.)*

(Heard through Video Conferencing)

*This appeal coming on for admission this day, Hon'ble Shri
Justice Purushaindra Kumar Kaurav, passed the following:*

ORDER

The petitioner has approached this court being aggrieved by an advertisement dated 20.12.2021 (Annexure P/5) issued by Government Shyam Sunder Agrawal P.G. College, Sihora District Jabalpur inviting applications for appointment on the post of Guest Faculty in *Yoga* subject under self financing scheme for the academic year 2021-2022.

2. The case of the petitioner is that pursuant to the order of appointment dated 20.07.2017 (Annexure P/2) he is working on the post of Guest Faculty in respondent No.3 College w.e.f 01.08.2017. He placed reliance on various certificates cumulatively marked as Annexure P/3 to demonstrate that he is continuously discharging his duties without there being any complaint and, therefore, the respondents/authorities have committed illegality in issuing an advertisement Annexure P/5. It is stated that if said appointment takes place then his right would be adversely affected. He further states that under similar circumstances, this court has entertained petitions and

directed the Government to continue Guest Faculty teachers till regular appointments are made by the Government.

3. There is no dispute that where legally appointed Guest Teachers were sought to be replaced by new appointees, this court has entertained various petitions and interim orders have been passed. However, in the present case, an issue that arise for consideration is whether the petitioner can be said to be a legally appointed Guest Faculty ?

4. We have heard the learned counsel for the parties and perused the record.

5. A perusal of document dated 20.02.2017 (Annexure P/2) clearly shows that the same is not the proof of appointment of the petitioner on the post of Guest Faculty as is being sought to be established by the petitioner. The document Annexure P/2 is only a communication allowing the petitioner to volunteer his services for training/awareness of *Yoga* to students/officers/employees and general public between 8.00 A.M. to 9.00 A.M. in the college. The other document relied upon by the petitioner only show that he is being paid vehicle and other allowance for the aforesaid services being rendered by him. None of the documents prove that he was legally and validly appointed as Guest Faculty. Therefore, we find that the petitioner is not entitled for any relief. Moreso, the learned State counsel has specifically states that the post of Guest Faculty in *Yoga* subject has been introduced only from the academic year 2021-2022, therefore, there was no question for the appointment of the petitioner in the year 2017.

6. Be that as it may. Since the petitioner has not been able to substantiate his case, hence we are not inclined to entertain the present petition. The same is hereby dismissed.

(RAVI MALIMATH)
CHIEF JUSTICE

(PURUSHAINDRA KUMAR KAURAV)
JUDGE

MKL.