

G. P. Bvc.-(J)-293-75000-9-83.

Spl. H. C. C. D., 46E.

District : Ahmedabad -

Stamp No. \_\_\_\_\_

Advocate Mr. *Mr. B.P. Tanna*  
*(Bharat B. Naik)*

Office Note, if any, \_\_\_\_\_

*Prays for int. relief -*

O.A. No. 138/86

**APPEAL**  
**CIVIL APPLICATION** No 37 of 1986  
(Spl. C.A.)

(Under (Art. \_\_\_\_\_ Act) of the

Peti. affirmed. Constitution of India

To be admitted the File.

This day of 198

Assistant Registrar

**Court's Order**

S.O. to 4.2.1986

*B.C. Gargi*  
3/2/1986

~~S.O. to 18.2.1986~~

*B.C. Gargi*

The question of legality as  
interim reliefs is to be considered.  
The dispute is about the post of  
the Head Master in the concerned  
School Sabarmati. R. No 3 <sup>is</sup> appointed  
to that post. The applicant is holding  
charge. The respondents have filed

their reply and the  
court waits time to  
take instructions from the  
applicant about the contents  
of their reply. Mr. Bhat  
submits that in that case  
R. No 3 will not be able  
to join the post till  
the next date. That appears  
to be so. Mr. Bhat then  
submits that the respondent  
R. No 3 may be allowed to  
work as teacher in the  
said Sabarmati school as  
she has already been released  
from the other school is  
Sabarmati. It is noted  
that the this request is  
reasonable. The respondent  
R. No 3 is permitted to  
work in the concerned  
school (i.e. Dly Primary school  
[Sabarmati]).  
It is noted specially  
clear that such working as  
a teacher is a strictly kept  
gap arrangement and it does  
not amount to R. No 3 working  
under the applicant as head  
master.  
S.O. 18.2.1986 *B.C. Gargi*  
4.2.1986

(3)

Added in rejoinder taken  
So on file.

At the request of respondent's  
advocate S.O. 19.2.1986  
order order to continue.

B.L. Garg

18.2.1986

My attention was then  
drawn to a letter by  
Administrative officer  
AS against that there  
is a cartoon letter  
of the Director of Education.  
Under these circumstances  
there is no prima  
facie case for grant  
of interim orders.  
Orders dated 6.2.1986  
need not be continued  
To be more specific  
there would be no  
interim order which  
would prevent R-1103  
from working ~~change~~  
as Head mistress of the  
school

B.L. Garg  
19.2.1986

So to 7-386  
Dt. 6-3-86 17-386  
7-386

Rejoinder Advocates

The main question is about  
as to whether a pro P.T.E. ~~teacher~~  
can be appointed as teacher.  
The court has passed orders  
that money certain P.T.E.  
equivalent to P.T.E. A  
P.T.E. can be appointed as  
a teacher. Thus a P.T.E.  
(who is equivalent to P.T.E.)  
as per court order of 1958  
is eligible for appointment as teacher  
Thus the respondent no 3  
appears to be entitled to be  
appointed as teacher. A girl  
teacher that capacity she  
has a right for being considered  
considered for promotion  
as Head mistress. It was  
argued by Mr Nair that  
for appointment as a Head  
mistress R-1103 must possess  
the qualification of P.T.E.  
prima facie this submission  
does not appear to be  
correct in view of the  
equation mentioned above

CORAM : (1) Hon'ble Mr. P.H. Trivedi ( Vice Chairman)  
(2) Hon'ble Mr. P.M. Joshi ( Judicial Member)

Mr. D.V. Mehta learned counsel for the applicant is present. He reports that civil application No.17 of 1986 was filed in the proceedings whereby the applicant had <sup>sought</sup> ~~sent~~ the permission to withdraw the original application i.e No.37 of 1986. According to him <sup>Mr.</sup> Justice ~~Mr.~~ B.V. Gadgil (presiding officer) <sup>an</sup> ~~has~~ already passed order on 17-3-86. He has produced <sup>a</sup> copy of the order passed by him. Mr. Mehta reiterates the same position and requested the tribunal that <sup>when</sup> the said order is now <sup>brought</sup> ~~found~~ on the record, <sup>a</sup> ~~formally~~ the order to that affect be passed now. It is stated by him that the application <sup>be</sup> ~~treated~~ <sup>as</sup> having <sup>been</sup> ~~pending~~ withdrawn. His request <sup>is</sup> ~~conceded~~. The application therefore stands disposed off as withdrawn.

22-7-1986

*Joshi*  
( P.M. JOSHI )

J.M.

*Trivedi*  
( P.H. TRIVEDI )

V.C.