

ITEM NO.107

COURT NO.7

SECTION XIV-A

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Civil Appeal No(s). 6160/2010

SMT. ASHA THAKUR

Appellant(s)

VERSUS

THE STATE OF HIMACHAL PRADESH & ORS.

Respondent(s)

Date : 30-08-2022 This appeal was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE HEMANT GUPTA  
HON'BLE MR. JUSTICE SUDHANSHU DHULIA

For Appellant(s) Mr. J.S. Attri, Sr. Adv.  
Mr. Rameshwar Prasad Goyal, AOR  
Mr. Vikas Kumar Singh, Adv.

For Respondent(s) Mr. Himanshu Tyagi, Adv.  
Mr. Abhinav Mukerji, AOR

UPON hearing the counsel the Court made the following  
O R D E R

The Civil Appeal is dismissed as per the signed order placed below.

Pending application(s), if any, is/ are disposed of.

(VIJAY KUMAR)  
COURT MASTER (SH)

(RENU BALA GAMBHIR)  
COURT MASTER (NSH)

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

Civil Appeal No. 6160/2010

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Appellant(s)

VERSUS

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O R D E R

The appellant is aggrieved against an order passed by the High Court of Himachal Pradesh on 08.12.2009 whereby the writ petition to claim regularization of her services at par with Vidya Upasaks was dismissed.

The appellant was appointed as a contract teacher in the Primary Education Department of the Government of Himachal Pradesh. On 09.05.2005, it was decided to regularize the services of 628 contract teachers including the appellant who have completed 8 years of service up to 31.12.2004. The grievance of the appellant is that Vidya Upasaks are being regularized after the completion of 5 years therefore, her regularization should be ordered when she completed 5 years of service.

The Vidya Upasaks were appointed under the scheme called Himachal Pradesh Vidya Upasak Yojna, 1998. The scheme was made to achieve the goals as laid down in the National Policy on Education, 1986 and H.P. Compulsory

Primary Education Act, 1987. The appellant was not appointed as Vidya Upasaks under the aforesaid scheme. She was appointed as a contract teacher and the services of the contract teachers were regularized on 09.05.2005. The appellant cannot claim any parity with the teachers appointed under Vidya Upasak scheme which is a distinct scheme where an honorarium of Rs.2500/- per month was contemplated for 10 months in year as against the contract teacher.

Since the appellant was appointed as contract teacher not as Vidya Upasaks who were appointed against the different scheme, therefore, she cannot claim any parity with Vidya Upasaks.

Consequently, the appeal is dismissed.

Pending application (s), if any, also stand disposed of.

.....J.  
[ HEMANT GUPTA ]

.....J.  
[ SUDHANSHU DHULIA ]

New Delhi;  
AUGUST 30, 2022.