

Court No. - 35

Case :- WRIT - A No. - 14190 of 2023

Petitioner :- Zeba Junaid

Respondent :- State Of U.P. And 7 Others

Counsel for Petitioner :- Mohammad Yunus Khan, Sanjeev Singh

Counsel for Respondent :- C.S.C., Anwar Hussain, Pranav Mishra

Hon'ble Vikas Budhwar, J.

This Court entertained the writ petition yesterday on 27.10.2023, while passing the following orders :-

"The instructions filed today are taken on record.

The contention of the writ petitioner is that pursuant to the Advertisement published in widely circulated newspaper on 30.08.2019, selections were undertaken, which comprised of the post of Assistant Teacher Fauquania.

Learned counsel for the writ petitioner while inviting attention towards paragraph-9 of the writ petitioner has sought to contend that the petitioner is Intermediate with one subject of Urdu, B.Sc. in Chemistry and Zoology and M.Sc. in Chemistry and B.Ed. and he seeks to rely upon the Resume, which has annexed as Annexure-3 at page-27 of the paper-book. He further submits that information was being withheld, thus he had no option but to take recourse to the provisions contained under Right to Information Act, 2005.

Sri Anwar Hussain, who appears for the Madarsa in question has produced before this Court Regulations by the name of The Uttar Pradesh Non-Governmental Arabic and Persian Madarsa Recognition, Administration and Services Regulation, 2016, so as to contend that so far as the minimum qualifications for appointment of an employee in Madarsa is concerned in the tabular chart, the post of Assistant Teacher Fauquania has been mentioned and the necessary qualification is Kamil or Graduate with 50% marks with a certificate Alim or Intermediate in Urdu is mandatory. He thus submits that the writ petitioner was not qualified and eligible to be called for interview and his candidature had not been processed and mere issuance of an invitation letter will not cloth the writ petitioner with eligibility which he even otherwise does not possess.

Sri Ajeet Kumar Singh, learned Addl. Chief Standing Counsel has produced before this Court instructions under the signature of the District Minority Welfare Officer dated 24.08.2023, which is taken on record.

Confronted with the said situation, Sri Sanjeev Singh, learned counsel for the writ petitioner seeks to examine the said issue.

Put up this case as a fresh case tomorrow at 02:00 P.M."

Today, when the matter has been taken up, Sri Sanjeev Singh and Sri Mohammad Yunus Khan, learned counsel for the writ petitioner have made a statement at Bar that the writ petitioner was not qualified for the post in question. Once the position being so, according to them, the writ petition does not survive.

Accordingly, the writ petition is ***dismissed***.

Order Date :- 28.10.2023

S Rawat