

**Court No. - 35**

**Case :-** WRIT - A No. - 16469 of 2023

**Petitioner :-** Dharmendra Kumar

**Respondent :-** State Of U.P. And 4 Others

**Counsel for Petitioner :-** Santosh Kumar Shukla, Parvish Kumar

**Counsel for Respondent :-** CSC

**Hon'ble Vikas Budhwar, J.**

Supplementary Affidavit filed today is taken on record.

Heard Sri Santosh Kumar Shukla, learned counsel for the writ petitioner as well as Sri Santosh Kumar Mishra, who appears for the Respondent nos. 1 to 4.

The case of the writ petitioner that pursuant to a recruitment exercise undertaken by the Uttar Pradesh Secondary Education Service Selection Board, an Advertisement No.1 of 2009 was published for inviting applications for recruitment of Trained Graduate Teacher (T.G.T.). The writ petitioner claims to have participated in the said selections and he was accorded a placement order on 30.07.2010 by the District Inspector of Schools, Meerut as an Assistant Teacher (Physical Education) in the fifth respondent Institution, namely, Kisan Inter College, Madhi, District Meerut. As per the writ petitioner, he post-completion of 10 years of satisfactory services, is getting Lecturer Grade w.e.f. 18.08.2020. However, when the writ petitioner staked its claim for being accorded designation as Lecturer in pursuance of the Government Order dated 25.10.2000, the same has not been acceded to and on 02.11.2022, the District Inspector of Schools, Meerut, fourth respondent has issued a communication to the fifth respondent that the papers are being returned back on the pretext that the petitioner does not possess necessary qualification and eligibility as per the Government Order dated 25.10.2000.

Questioning the order dated 02.11.2022 passed by the District Inspector of Schools, Meerut, the writ petitioner has preferred the present writ petition.

Sri Santosh Kumar Shukla, learned counsel for the petitioner submits that the communication dated 02.11.2022 of the fourth respondent, District Inspector of Schools, Meerut is per se illegal, particularly, in view of the fact that the case of the writ petitioner stands covered under the provisions of the Government Order

dated 25.10.2000, according to which the parameters have been set out, whereby designation of the Lecturer is provided to the incumbent, who completes 10 years of continuous service while teaching Intermediate Class in that regard. He on the basis of the documents, which have been annexed at page-14 of the Supplementary Affidavit submits that the Government Order dated 25.10.2000 is still in existence and his case would be covered by the said Government Order. According to him, the order in question cannot be sustained and the same is liable to be set aside. He further submits that the writ petitioner also possesses M.P.Ed. degree and as per the decision of this Court, he is entitled for the same.

Sri Santosh Kumar Mishra, learned Standing Counsel, who appears for the respondents, while countering the submission of learned counsel for the writ petitioner submits that the claim so set up by the writ petitioner cannot be accepted, as he seeks to invite the attention of the Court towards Annexure-3 at Page-25 of the paper-book, reference whereof has been given in paragraph-6 of the writ petition, so as to contend that the claim has been set up by the writ petitioner for being accorded designation of the Lecturer is based upon the Government Order dated 25.10.2000. He submits that there happens to be various decisions of this Court including the decisions in the case of Jeet Lal Saroj Vs. State of U.P. and three others in Writ-A No. 10696 of 2023 decided on 25.08.2023, whereby the provisions of the Government Order dated 25.10.2000 was taken into consideration and while interpreting the same, it was held that the Clause-6 of the Government Order dated 25.10.2000 provides that the eligibility and suitability is to be on the date of the issuance of the Government Order i.e. 25.10.2000. He submits that since the writ petitioner was appointed as an Assistant Teacher (Physical Education) on 18.08.2010, thus he is not covered by the same. He further submits that the said Government Order was a one time exception.

I have heard learned counsel for the parties and perused the records carefully.

Since the claim of the writ petitioner for being accorded designation of the writ petitioner hinges upon the Government Order dated 25.10.2000 and the said Government Order itself encapsules Clause-6, according to which eligibility is to be seen on the date of issuance of the Government Order and the writ petitioner was neither eligible nor he was Assistant Teacher (Physical Education) on the said date thus the writ petitioner cannot get the benefit in that regard. The judgment in the case of

Jeet Lal Saroj (supra) itself comes in the way of the writ petitioner, wherein the said issue has already been discussed in detail and exenso.

Accordingly, the interference to the order dated 02.11.2022 passed by the District Inspector of Schools, Meerut, fourth respondent is declined. Since the order dated 2.11.2022 only returns the file back on the ground that the case of the writ petitioner is not covered under the Government Order dated 25.10.2000, thus in case bereft of the said Government Order the writ petitioner is found to be eligible or suitable, even otherwise, then this order will not come in the way of the writ petitioner.

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

The instructions filed today are taken on record and marked as Appendix 'A'.

**Order Date :-** 21.11.2023  
N.S.Rathour