Court No. - 36

Case :- WRIT - A No. - 17311 of 2023

Petitioner :- Awadh Bihari And 8 Others
Respondent :- State of U.P. and Another
Counsel for Petitioner :- Abhishe Pandey,Irshad Ali
Counsel for Respondent :- C.S.C.,Archana Singh

Hon'ble Manjive Shukla,J.

1. Heard learned counsel appearing for the petitioners, learned Standing Counsel appearing for the Respondent No. 1 as well as Smt. Archana Singh, learned counsel appearing for the Respondent No. 2.

2. Petitioners through this writ petition have prayed for a direction from this court thereby commanding the respondents to refund the application fees submitted by the petitioners.

3. Petitioners submitted their applications pursuant to advertisement published on 7.12.2012 whereby applications were invited for making appointment on the posts of Trainee Teacher. Petitioners along with their application forms have also submitted requisite fees for their appointment in different districts.

4. Later on, the aforesaid selection could not take place, therefore, decision was taken to refund the fees of candidates deposited by them for their applications for different districts.

5. Since the fees deposited by the petitioners have not been refunded, therefore, they have filed this writ petition.

6. This court in identical writ petition bearing Writ-A No. 11822 of 2023 has passed an order on 04.10.2023 which is extracted as under:

"1. Smt. Archana Singh, learned counsel appearing for the Respondents No.4 and 5 submits that exercise for refund of application fee of the petitioners as well as other applicants is going on and she prays that she may be granted time for filing personal affidavit of the Secretary, U.P. Basic Education Board, Prayagraj indicating therein the last date by which the entire payment of the petitioners shall be made.

2. As prayed, let a personal affidavit of the Secretary, U.P. Basic Education Board, Prayagraj be filed within ten days from today indicating therein the last date by which entire payment due to the petitioners shall be cleared of.

3. List this matter on 19.10.2023 as fresh."

7. In compliance of the aforesaid order dated 4.10.2023 passed in Writ-A No. 11822 of 2023, the Secretary, U.P. Basic Education Board, Prayagraj has filed his personal affidavit in connected Writ-A No. 11822 of 2023 wherein he has stated that he requires three months' time for complete refund of application fee deposited by the petitioners.

8. Relevant paragraphs of the personal affidavit filed in Writ-A No. 11822 of 2023 are extracted as under:

"8. That the office of U.P. Basic Education Board making publication vide memorandum no. बे0 शि0 प 0/11519-2018-19 dated 30.10.2018, issued directions vide memorandum no. बे0 शि0 प 0/11868- 12038/2018-19 dated 02.11.2018, बे0 शि0 प 0/17735-811/2018-19 dated 08.03.2019 and बे0 शि0 प 0/18613-688/2018-19 dated 29.03.2019 to all the concerned District Basic Education Officers to make available the desired information on the prescribed format regarding the return of fee amount taken from 72825 candidates for their selection in pursuance of the Government Order dated 05.12.2012 who were B.Ed. and T.E.T. passed candidate.

9. That it was further provided that those candidates who submitted their application form in pursuance of the Government Order dated 05.12.2012, they can get the application fees returned from the concerned District Education and Training Centre (where they submitted. their application forms). It was also provided that for refund of the application fees, the candidates shall annexed the copy of bank challan and the photocopy of the application form, besides the account number, IFSC of the bank and mobile number in the application. Therefore, in want of the desired informations from all the districts, the proceedings to refund the application fees amount to all the candidates, could not be completed.

10. That vide memorandum no. बे0 शि0 प 0/27493-663/ 2023-24 dated 14.09.2023 issued by the office of Basic Education Board, fixing the time table (division wise) issued directions to all the concerned District Basic Education Officers to be present in the office of the Secretary, U.P. Basic Education Board, Prayagraj with the list containing the information of the candidates who have deposited the amount for the said district alongwith other required information of the said candidates.

11. That after examining the informations furnished by the concerned Principal District Education and Training Institute and the concerned District Basic Education Officers of the Districts Fatehpur, Auraiya, Banda, Gonda, Kaushambi, Amroha, Gorakhpur, Bulandshahar, Azamgarh, Pilibhit, Unnao, Muzaffar Nagar, Shamli, Etawah and Ambedkar Nagar, the proceedings to refund the application fee amount is under process and for the rest of districts, after receiving and examining the desired information from the concerned District Basic Education Officers the proceedings to refund the application fees shall be done.

12. That since under the process of selection of 72825 Trainee Teachers, there are highly excessive numbers of candidates and the online applications have been submitted for as many as 75 districts throughout the state, considerable time is likely to be required for completing the entire process of the refund of the application fees to those candidates.

13. That in view of the aforesaid submissions, it is expedient and desirable in the interest of justice that this Hon'ble Court may graciously be pleased to grant minimum three months time for making refund of the application fees to all the eligible candidates."

9. Learned counsel appearing for the petitioner has submitted that since the Secretary, U.P. Basic Education Board has categorically stated in his personal affidavit filed in Writ-A No. 11822 of 2023 that he requires three months' time to complete the refund of application fee deposited by the petitioners, therefore, this writ petition may be disposed of with a direction to Respondent No. 2 to refund the application fee deposited by the petitioners.

10. In view of the aforesaid categorical undertaking given by Respondent No. 2 in his personal affidavit, this writ petition is finally ***disposed of*** with a direction to Respondent No. 2 to refund the application fees deposited by the petitioners within a period of three months from today.

Order Date :- 31.10.2023
A. Mandhani

Digitally signed by :-
ABHISHEK MANDHANI
High Court of Judicature at Allahabad