

Court No. - 35

Case :- WRIT - A No. - 18977 of 2023

Petitioner :- Sri Manindra Kumar Pandey

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

Counsel for Petitioner :- Narayan Dutt Shukla

Counsel for Respondent :- C.S.C.

Hon'ble Vikas Budhwar,J.

1. Heard Sri Narayan Dutt Shukla, learned counsel for the writ petitioner and Sri Shailendra Singh, learned Standing Counsel, who appears for Respondents 1, 2 and 3.

2. The case of the writ petitioner is that he is working as an Assistant Teacher in the fourth respondent institution, Adarsh Inter College, Umri Bijnor since 2017 and he possesses the academic qualification of high school with Sanskrit accorded by Sampuranand Sanskrit University in the year 1998 and has cleared Uttar Madhyama equivalent to Intermediate education in the year 2000, Shastri in the year 2003, Acharya in the year 2005 and B.Ed. in the year 2007 respectively. As per the writ petitioner the post of Lecturer Sanskrit felt vacant and exercise was undertaken for making promotions. The case of the writ petitioner placed before the authorities and the claim of the writ petitioner was negated by virtue of the order dated 17.10.2023 passed by the second respondent, Joint Director of Education, Moradabad Mandal, Moradabad on the ground that the writ petitioner does not possess five years of teaching experience. Questioning the said order the writ petitioner has preferred the present writ petition.

3. Sri Shukla learned counsel for the writ petitioner submits that though writ petitioner fulfils the educational qualifications but five years teaching experience is not available with him but it would not be a factor to take away the rights of the writ petitioner to be considered for promotion. He seeks to rely upon the judgement in case of ***Siddharth Shanker Mishra Vs. State of U.P. and 5 others in Writ A No. 26389 of 2018 along with the other connected cases decided on 25.05.2023.***

4. Prayer in the present petition is for to issue a writ, order and a direction in the nature of Certiorari quashing the impugned order dated 17.10.2023 passed by Respondent No. 2 and order dated 10.03.2023 passed by respondent No. 3 and issue a writ, or direction in the nature of Mandamus directing the

Respondent No. 2 and 3 to consider the claim of the petitioner for promotion on the post of Lecturer Sanskrit.

5. Sri Shailendra Singh learned Standing Counsel on the other hand submits that once the vacancy stood arisen in the year 2019 and the writ petitioner was appointed in the year 2017 as Assistant Teacher, thus, he does not possess five years of teaching experience. Sri Shailendra Singh relied upon a Division Bench decision in the case of ***Ram Pal Singh Vs. State of U.P. and others 2013 (Special Appeal No. 1946 of 2010, decided on 21st December, 2012).***

6. Having heard the learned counsel for the parties, this Court is of the opinion that the petitioner was appointed in the year 2017 and the vacancy stood arose in the year 2019. Thus by no stretch of imagination the writ petitioner possess five years experience even otherwise by any point of angle. Thus, the writ petitioner not entitled to any relief.

7. With the aforesaid observation, the writ petition is ***dismissed.***

Order Date :- 28.11.2023

Suraj Srivastav