

Court No. - 21

Case :- SPECIAL APPEAL DEFECTIVE No. - 823 of 2023

Appellant :- Sundeeep Chadhary

Respondent :- State Of Uttar Pradesh And Another

Counsel for Appellant :- Jitendra Kumar Yadav

Counsel for Respondent :- C.S.C.

Hon'ble Manoj Kumar Gupta,J.

Hon'ble Donadi Ramesh,J.

Re: Order on Delay Condonation Application

1. Heard learned counsel for the parties.
2. The appeal is reported to be beyond time by 289 days.
3. Delay in filing the appeal has been explained satisfactorily.
4. Accordingly, delay condonation application is allowed.
5. Office is directed to allot regular number to the instant appeal.

(Donadi Ramesh, J.)

(Manoj Kumar Gupta, J.)

Order Date :- 20.11.2023

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Re: Memo of Appeal

1. The instant intra-court appeal is directed against the order of learned Single Judge dated 23.12.2022 passed in Writ A No. 21925 of 2022, (Sandeep Chawdhary Vs. State of U.P. and Another), whereby the writ petition filed by the petitioner challenging the orders dated 22.08.2022 and 05.09.2022 passed by Principal Secretary, Secondary Education, U.P., Lucknow (respondent no.1 herein) was dismissed.

2. Brief facts necessary for disposal of the instant appeal, are as follows:

On 2nd August, 2022, respondent no.1 issued a time-table for selection of teachers for award of State Teacher's Award, 2022. Thereunder, the Regional Committee was to verify the claim of the applicants and thereafter forward it to the State Level Selection Committee between 21-28 August, 2022. The State Level Committee was to hold selection between 26-30 August, 2022. On 22nd August, 2022, the State Government addressed a communication to the Director of Education, Madhyamik, U.P., Lucknow stating that the policy for award of State Teacher's Award

is in process of being amended and therefore, the time-table issued earlier has been kept in abeyance. He was directed to take action in the matter accordingly. On 5.9.2022, the amended policy for award of State Teacher's Award, 2022 was issued. The guidelines have been made more rigorous and one of the stipulations is that teacher should have to his or her credit 90 percent pass result in board exam.

The appellant, who was one of the applicants, has challenged the aforesaid orders by filing writ petition before this Court. The learned Single Judge has dismissed the writ petition holding that no vested right had accrued in favour of the appellant and therefore, the amendment made to the policy cannot be challenged on the ground that it is being applied even to the present selection. It has also been observed that the award is governed by executive institutions in the absence of any statutory provisions and therefore, it was well within the domain of the executive to amend or lay fresh guidelines for award of the State Teacher's Award. It has also been held that the condition relating to 90 percent pass result, cannot be said to be unreasonable or arbitrary.

3. Concededly, the amended policy will be applied to all the applicants and not to appellant alone. We find no violation of any kind of right of the appellant herein.

4. The appeal lacks merit and is, accordingly, dismissed.

(Donadi Ramesh, J.)

(Manoj Kumar Gupta, J.)

Order Date :- 20.11.2023

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