

Court No. - 7

Case :- WRIT - A No. - 23553 of 2020

Petitioner :- Amit Kumar Mishra

Respondent :- State Of U.P.Thru.Prin.Secy.Secondary Education And Ors.

Counsel for Petitioner :- Puttu Lal Misra,Dhirendra Pratap Singh

Counsel for Respondent :- C.S.C.

Hon'ble Abdul Moin,J.

Heard learned counsel for the petitioner and Sri Saharsh Srivastava, learned Additional Chief Standing counsel appearing on behalf of the State-respondents.

The petitioner claims to have been appointed in the year 2017 on a Class IV post as "Peon". The approval that had been prayed for his appointment on a Class IV post has been rejected vide order impugned dated 30.06.2020, a copy of which is annexure 1 to the writ petition.

Sri Saharsh Srivastava, learned Additional Chief Standing counsel states that the appointment of the petitioner made on a Class IV post in the year 2017 was against the Government order dated 04.09.2013 which has provided that all Class IV posts should only be filled in through outsourcing. It is contended that the said Government order has been upheld by the Apex Court in the case of **State of U.P and Ors Vs. Principal, Abhay Nandan Inter College and Ors passed in Civil Appeal No. 865 of 2021 decided on 27.09.2021** and thus there is no illegality and infirmity in the order by which the approval has been rejected as the petitioner's appointment is subsequent to the aforesaid Government order.

Keeping in view the aforesaid law laid down by the Apex Court in the case of **Principal, Abhay Nandan Inter College(supra)** and the Government order dated 04.09.2013 per which the post could only be filled in on outsourcing basis, no case for interference with the order impugned is made out. Accordingly, the writ petition is dismissed.

Order Date :- 23.11.2023

Pachhere/-