

Court No. - 7

Case :- WRIT - A No. - 7713 of 2023

Petitioner :- Jitendra Mishra And Another

Respondent :- State Of U.P. Thru. Prin. Secy. Basic Education Lko. And 3 Others

Counsel for Petitioner :- O.P. Tiwari

Counsel for Respondent :- C.S.C., Abhinav Singh

Hon'ble Abdul Moin, J.

Heard learned counsel for the petitioners, learned Additional Chief Standing counsel for respondent nos. 1 & 2 as well as Shri Abhinav Singh, learned counsel appearing for respondent nos. 3 & 4.

Under challenge is the order dated 21.09.2023 passed by the respondent no. 2 so far as it relates to petitioners (who are placed at Serial Nos. 388, 389) whereby the petitioners have been assigned duty for the purpose of revision of the voter lists.

The argument of learned counsel for the petitioners is that the duty of the petitioners, a teacher is being assigned even during teaching days and teaching hours which is not permissible.

Learned Additional Chief Standing Counsel states that the matter in issue has been considered by the Division Bench of this Court in **Writ A No. 26204 of 2021 in Re: Nirbhay Singhe and Others Vs. State of U.P. and Others** whereby the Division Bench has held that the teachers cannot be deployed during teaching days or teaching hours but can be deployed on non-teaching days and non-teaching hours.

Learned Additional Chief Standing counsel states that the aforesaid judgment passed by the Division Bench will be strictly adhered to by the respondents inasmuch as the petitioner would only be deployed on non-teaching days and during non-teaching hours.

The aforesaid statement is recorded.

In view of the above, the writ petition is disposed of.

Order Date :- 10.10.2023

Pachhere/-