

Court No. - 7

Case :- WRIT - A No. - 7997 of 2023

Petitioner :- Manoj Kumar Yadav And 7 Others

Respondent :- State Of U.P. Thru. Prin. Secy. Basic Education Lko. And 4 Others

Counsel for Petitioner :- Ran Vijay Yadav

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

Hon'ble Abdul Moin,J.

1. Heard learned counsel for the petitioners, learned Standing counsel appearing on behalf of the State-respondents no. 1 & 3, Sri Vijay Vikram, learned counsel appearing on behalf of the respondent no. 2 and Sri Shashank Singh, Advocate holding brief of Sri Abhinav Singh, learned counsel appearing on behalf of the respondents no. 4 & 5.
2. With the consent of learned counsel appearing on behalf of the contesting parties, the instant writ petition is being finally decided at the admission stage.
3. Under challenge is the order dated 17.09.2023 issued by the respondent no. 3, a copy of which is annexure 1 to the writ petition whereby an order has been issued for posting the petitioners as Booth Level Officer. Also under challenge is the order dated 03.10.2023, a copy of which is annexure 2 to the writ petition whereby it has been indicated that all those officers who have been indicated as Booth Level Officer and have not reported for duty or have not linked their mobile number with the “App” of the Booth Level Officer, their salary should be stopped.
4. The contention of learned counsel for the petitioners is that all the petitioners are working as “Teachers” and keeping in view the Division Bench judgment of this Court in the case of Nirbhay Singh and Ors Vs. State of U.P and Ors passed in Writ-A No. 26204 of 2021 decided on 11.08.2022, they cannot be deployed for election duty on teaching days and during teaching hours.
5. On the other hand, learned counsel appearing on behalf of the respondents submits that through an order dated 17.09.2023 though the petitioners have been required to do duty as Booth Level Officer yet keeping in view the Division Bench judgment of this Court in the case of **Nirbhay Singh (supra)** they would only be deployed during non teaching hours and non teaching days. The aforesaid statement is recorded.

6. So far as the order dated 03.10.2023 is concerned, learned counsel for the respondents states that through the said order as the petitioners are to be assigned duty as Booth Level Officer consequently, they are required to link their mobile numbers with the “App” for the said purpose so that their duties can be easily assigned. As the petitioners have failed to link their number consequently, the respondents have proposed to proceed against them.

7. Responding to that, learned counsel for the petitioners submits that all the petitioners would be having their mobile numbers linked with the aforesaid “App” within a week from today. The aforesaid statement made on behalf of the petitioners is recorded.

8. Keeping in view the aforesaid, nothing further survives in the petition accordingly, the writ petition is disposed of.

Order Date :- 13.10.2023

Pachhere/-