

Court No. - 7

Case :- WRIT - A No. - 8596 of 2023

Petitioner :- Deepti Upadhyay

Respondent :- State Of U.P. Thru. Prin. Secy. Secondary Education, U.P. Lucknow And 4 Others

Counsel for Petitioner :- Krishna Madhav Shukla

Counsel for Respondent :- C.S.C.

Hon'ble Abdul Moin,J.

1. Heard learned counsel for the petitioner and learned Standing Counsel appearing for the respondents no. 1 to 4.
2. No notice be issued to respondent no. 5 taking into consideration the nature of order proposed to be passed.
3. With the consent of learned counsel appearing for the contesting parties, the writ petition is being finally decided.
4. Under challenge is the order dated 17.10.2023, a copy of which is annexure 1 to the petition, passed by the District Inspector of Schools, Ayodhya whereby the approval granted of the appointment of the petitioner vide the order dated 21.08.2023 has been withdrawn on the ground that there was a specific bar as per the order dated 04.11.2019 issued by the Director of Education (Madhyamik) per which till such time a policy was prepared for appointments no further appointments were to be made.
5. Learned counsel for the petitioner contends that the approval to appointment after the selection has been made in the institution which is Adarsh Audhogik Sanskrit Mahavidyalay which had been granted vide the order dated 21.08.2023. Subsequent thereto by means of the order impugned dated 17.10.2023 the same has been withdrawn by placing reliance on an order dated 04.11.2019 which does not have any application to the Sanskrit institutions and Mahavidyalayas and the same only pertains to secondary educational institutions.
6. Perusal of the order impugned would indicate that the respondents while withdrawing the order of approval of the petitioner have placed reliance on an order dated 04.11.2019, a copy of which is **annexure 2 to the petition**.
7. Perusal of the said order would indicate that the same has been issued by the Director of Education (Secondary), U.P. to the Regional Joint Director of Education (Secondary) and various District Inspector of Schools throughout the State to indicate that till such time a transparent policy is prepared in the

secondary education institutions till then no appointments should be made.

8. When from the perusal of the order dated 04.11.2019 itself it emerges that the same only pertain to the secondary educations and the institution of the petitioner is a Sanskrit Mahavidyalay consequently the said order would have no applicability to the Sanskrit vidyalayas.

9. Learned Standing Counsel is also not able to dispute that the order dated 04.11.2019 had been issued for the secondary education would not be applicable for the Sanskrit institution.

10. Considering the aforesaid, it is apparent that the order impugned has been passed with patent non-application of mind, the writ petition is **allowed**. The order dated 17.10.2023, a copy of which is annexure 1 to the petition, is quashed.

11. Consequences to follow.

Order Date :- 6.11.2023

J.K. Dinkar