

Court No. - 52

1. Case :- WRIT - A No. - 8836 of 2025

Petitioner :- Amit Kumar Singh

Respondent :- State Of U.P. And 8 Others

Counsel for Petitioner :- Saroj Kumar Yadav

Counsel for Respondent :- C.S.C.,Neeraj Shukla

AND

2. Case :- WRIT - A No. - 8253 of 2025

Petitioner :- Jay Prakash Yadav

Respondent :- State Of U.P. And 8 Others

Counsel for Petitioner :- Saroj Kumar Yadav

Counsel for Respondent :- Babu Ram Yadav,C.S.C.,Gaurav
Gautam,Pradeep Kumar Yadav,Rakesh Kumar

Hon'ble Mrs. Manju Rani Chauhan,J.

1. The petitioner – Amit Kumar Singh is Head Master and the petitioner – Jay Prakash Yadav is Clerk/ Junior Assistant in Janta Junior High School, Argupur Kalan, Jaunpur. They have preferred the writ petitions, separately, challenging an order dated 27.02.2025 passed by Assistant Director of Education (Basic), Vth Division, Varanasi along with letter dated 11.03.2025 sent by respondent no. 9, whereby approval has been sought for termination of the petitioners' services from their respective posts.

2. On 31.07.2025, following order was passed by this Court:

“Heard Mr. V.K. Singh, learned Senior Counsel assisted by Mr. Saroj Kumar Yadav, learned counsel for the petitioners, Mr. R. K. Ojha, learned Senior Counsel assisted by Mr. Neeraj Shukla, learned counsel for the respondent no.8, Mr. Rakesh Kumar, learned counsel for the respondent no.9 and learned Standing Counsel for the State-respondents.

The orders impugned have been challenged on the ground that the same is without jurisdiction, as the Additional Director of Education (Basic) 5th Division, Varanasi, had no power or authority to decide any representation, which is not provided under the relevant rules.

Placing reliance upon the judgment of this Court passed in the case of **Yashoda Raj Kumari Kunjil vs. State of U.P. and Others**, learned counsel for the petitioners submits that the District Basic Education Officer was given the power of managing all the affairs in the

institutions as the Authorized Controller by order dated 29.10.2007 passed in Civil Misc. Writ Petition No.35001 of 2005. He was also authorized to be a part of the selection committee and to approve the appointment of the petitioner; Jay Prakash Yadav as Clerk and petitioner; Amit Kumar Singh as Head Master in the institutions.

An objection has been raised by learned counsel for the respondents that the selection committee was not properly constituted, as the appointment and approval have been made by the same person, which raises concerns about the validity of the process.

In view of the above, it would be appropriate to call upon the entire original records pertaining to the selection and appointment of the petitioners, namely, Jay Prakash Yadav and Amit Kumar Singh, which were placed before the District Basic Education Officer, Jaunpur as is evident from Page 98 of the writ petition.

Let the District Basic Education Officer, Jaunpur be present before this Court along with the entire original records pertaining to the selection and appointment of the petitioners, namely, Jay Prakash Yadav and Amit Kumar Singh.

Put up this case on 14.08.2025 at 12:00 p.m., as fresh.

Learned Chief Standing Counsel as well as the Registrar Compliance shall ensure the compliance of this order.”

3. In compliance of the afore-quoted order, original record was placed before this Court on 14.08.2025, which was retained. This Court has perused the original record. The original record is being returned to Dr. Avinash Singh, Block Education Officer, Mungra Badshahpur, Jaunpur, who is present today, before this Court. Said record contains following documents:

Sl. No.	Details of record	Date	Post to which the record belongs to	Description
1.	Letter written by Incharge Headmaster seeking permission for appointment on one vacant post of Headmaster and one post of Clerk.	21.08.2015	Headmaster and Clerk	-
2.	Authorized Controller sought permission of District Basic Education Officer, Jaunpur to fill up the vacancy for the post of Clerk and permission was granted by BSA.	28.08.2015	Clerk	-

3.	Authorized Controller sought permission of District Basic Education Officer, Jaunpur to fill up the vacancy for the post of Headmaster and permission was granted by BSA.	28.08.2015	Headmaster	-
4.	Permission granted by respondent no. 5 for press notification of advertisement.	22.01.2016	Headmaster & Clerk	-
5.	Advertisement issued by Authorized Controller in Daily Newspaper 'Preet Times'.	25.01.2016	Headmaster & Clerk	-
6.	Advertisement issued by Authorized Controller in Daily Newspaper 'Kashi Varta'.	25.01.2016	Headmaster	-
7.	Amended advertisement issued by Authorized Controller in Daily Newspaper 'Kashi Varta'.	29.01.2016	Headmaster	-
8.	Letter written by Authorized Controller to Basic Education Officer for sending observer for interview on the post of Clerk.	11.02.2016	Clerk	Sri Rudra Pratap Yadav, Block Education Officer, Shahganj, Jaunpur
9.	Letter written by Authorized Controller to Basic Education Officer for sending observer for interview on the post of Headmaster.	11.02.2016	Headmaster	Sri Rudra Pratap Yadav, Block Education Officer, Shahganj, Jaunpur
10.	Letter written by Authorized Controller to Basic Education Officer to send observer for interview on the post of Headmaster.	11.02.2016	Headmaster	Sri Shiv Shankar Mishra, Block Education Officer, Shahganj, Jaunpur
11.	Report forwarded by Block Education Officer, Shahganj, Jaunpur (Observer), for selection on the post of Headmaster after interview.	15.02.2016	Headmaster	Sri Rudra Pratap Yadav, Block Education Officer, Shahganj, Jaunpur
12.	Report forwarded by Block Education Officer, Shahganj, Jaunpur (Observer), for selection on the post of Clerk after interview.	15.02.2016	Clerk	Sri Rudra Pratap Yadav, Block Education Officer, Shahganj, Jaunpur
13.	Approval given by respondent no. 5 for the post of Clerk.	17.02.2016	Clerk	Sri Param Hans Singh Yadav, the then BSA, Jaunpur

14.	Approval given by respondent no. 5 for the post of Headmaster.	17.02.2016	Clerk	Sri Param Hans Singh Yadav, the then BSA, Jaunpur
15.	Appointment letter issued by Authorized Controller for the post of Clerk to Jay Prakash Yadav.	19.02.2016	Clerk	Manager, Janta Purva Madhyamik Vidyalaya, Argupur Kala, Jaunpur
16.	Appointment letter issued by Authorized Controller for the post of Headmaster to Amit Kumar Singh.	19.02.2016	Headmaster	Manager, Janta Purva Madhyamik Vidyalaya, Argupur Kala, Jaunpur
17.	Approval letter issued by respondent no. 5 for teachers of Sri Ram Chandra Children Junior High School, Kerakat, Jaunpur.	27.05.2009	-	Amit Kumar Singh
18.	Letter issued by Assistant Director of Education (Basic), for verification after the selection.	01.01.2025	Headmaster	-
19.	Letter issued by BSA for verification of dispatch register.	08.01.2025	Headmaster and Clerk	-
20.	Letter issued by Assistant Director of Education (Basic), Varanasi to Manager Sri Ram Chandra Children High School, Kerakat, Jaunpur, for verification.	20.01.2025	Headmaster	-
21.	Letter issued by Assistant Director of Education (Basic), Varanasi to BSA, Jaunpur for verification of experience certificate of Amit Kumar Singh.	28.01.2025	Headmaster	-
22.	Letter issued by BSA with regard to verification of experience certificate of Amit Kumar Singh.	31.01.2025	Headmaster	-
23.	Verification report of experience of Headmaster.	05.03.2025	Headmaster	Manager, Ram Chandra Children Junior High School, Development Block Kerakat, Jaunpur
24.	Eight application forms received for the post of clerk.	08.02.2016	Clerk	-

25.	Details of the applicant appeared in interview on the post of clerk.	14.02.2016	Clerk	-
26.	Details of marks given by the Members to the applicants appeared in the interview on the post of Clerk.	14.02.2016	Clerk	-
27.	Consolidated marks given by the members to the applicants appeared in interview on the post of Clerk.	14.02.2016	Clerk	-
28.	The seniority list prepared for the post of Clerk	14.02.2016	Clerk	-
29.	Selected list prepared for the post of Clerk.	14.02.2016	Clerk	-
30.	Detail of minutes of meeting of Selection Committee on the post of Clerk.	14.02.2016	Clerk	-
31.	Total 6 application forms received for the post of Headmaster.	08.02.2016	Headmaster	-
32.	Details of the applicants appeared in interview on the post of Headmaster.	14.02.2016	Headmaster	-
33.	Details of the marks given by Members to the applicants appeared in interview on the post of Headmaster.	14.02.2016	Headmaster	-
34.	Consolidated marks given by Members to the applicants appeared in interview on the post of Headmaster.	14.02.2016	Headmaster	-
35.	Seniority list prepared for the post of Headmaster.	14.02.2016	Headmaster	-
36.	Selected list prepared for the post of Headmaster.	14.02.2016	Headmaster	-
37.	Details of minutes of meeting of selection committee on the post of Headmaster.	14.02.2016	Headmaster	-

4. Heard Sri V.K. Singh, learned Senior Advocate assisted by Sri Saroj Kumar Yadav, learned counsel for the petitioner, Sri Shailendra Singh, learned Standing Counsel for State respondent nos. 1 to 7, Sri R.K. Ojha, learned Senior Advocate assisted by Sri Neeraj Shukla and Sri Rakesh Kumar, learned counsel for respondent nos. 8 & 9.

5. Learned Senior Counsel appearing for the petitioners submits that the impugned order has been passed only on two grounds: (i) that authorized controller, who is District Basic Education Officer, itself, has proceeded with the entire selection which is not permitted under law; and (ii) that the selection has been done in violation of Rule-9 of the Uttar Pradesh Recognized Basic Schools (Junior High Schools) (Recruitment and Conditions of Services of Teachers) Rules, 1978.¹

6. It is further contended by Mr. V.K. Singh, learned Senior Counsel that an order² has already been placed before this Court on previous occasion, which has been referred to in the order passed on 31.07.2025, whereby the District Basic Education Officer was empowered to function as authorized controller to look into functioning of the Institution. Therefore, the ground taken in the order impugned that the BSA has proceeded itself as authorized controller, is unsustainable. He further contends that insofar as Rule-9 of the Rules, 1978 is concerned, the provisions of said Rule-9 are not applicable to the selection for the post of a clerk.

7. To the aforesaid submissions, several objections have been raised by learned counsel appearing for the respondents pointing out the flaws in the selection procedure.

8. Having perused the record pertaining to selection of the petitioners – Amit Kumar Singh on the post of Head Master and Jay Prakash Yadav on the post of Clerk/ Junior Assistant, I am of the view that a fresh opportunity is required to be given to the parties to place their case before respondent no. 4. Accordingly, the order under challenge dated 27.02.2025 is quashed and the matter is remitted back to the respondent no. 4 to consider and decide the matter afresh, calling

¹ The Rules, 1978

² Order dated 29.10.2007, Civil Misc. Writ Petition No. 35001 of 2005, Yashoda Raj Kumari Kunjil v. State of U.P. and others

the records from District Basic Education Officer, details whereof have been enumerated in paragraph no. 3 of this order, expeditiously, preferably within a period of four weeks from today.

9. The parties are at liberty to place their objections before the respondent no. 4, which shall be taken into consideration by respondent no. 4.

10. Both writ petitions are allowed accordingly.

11. There shall be no order as to costs.

Order Date :- 19.08.2025
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