



2025:AHC:175264

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - A No. - 14129 of 2025

Lokesh Kumar And 26 Others

.....Petitioner(s)

Versus

State Of U.P. Through Additional Chief Secretary (Basic Education) And 7 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Rama Shankar Mishra, Shashank Ojha
Counsel for Respondent(s)	:	Ram Prasad Dubey, Shivendra Kumar Singh, C.S.C., Jitendra Ojha, Vijay Vikram Singh

Court No. - 52

HON'BLE MRS. MANJU RANI CHAUHAN, J.

1. Heard learned counsel for the petitioners, Mr. Shivendra Kumar Singh, learned counsel for respondent no.2, Mr. R.P. Dubey, learned counsel for respondent no.3, Vijay Vikram Singh, learned counsel for respondent nos.5 & 6 and learned Standing Counsel for the State.

2. The writ petition has been filed with the following prayers:-

"(a) Issue a writ, order or direction in the nature of certiorari to call on the record and quash the guideline dated 04.10.2022 issued by Election Commission of India and other orders or guidelines, if so, by which teacher such as petitioners have been appointed as BLO.

(b) Issue a writ, order or direction in the nature of certiorari to call on the record and quash the impugned list of BLO dated 01.08.2025 appointed by Sub Divisional Magistrate/Electoral Registration Officer.

(c) Issue a writ, order or direction in the suitable nature restraining the respondents from assigning Booth Level Officer duty and other non teaching duties to petitioners and also not to take any coercive action against the petitioners."

3. Learned counsel for the petitioners submits that the impugned order is contrary to the provisions contained under Section 27 of Right of Children of Free and Compulsory Education Act, 2009, which mandates that no teacher shall be appointed for any non-educational purposes as well as against the guidelines. The issue has already been settled in the case of **Surya Pratap Singh vs. State of U.P. and Others, passed in Writ A No.16401 of 2024, decided on 11.02.2025**, therefore, the impugned order may be quashed.

4. Learned Standing counsel submits that Election Commission of India has

issued a circular dated 05.06.2025 changing the guidelines, thus, the appointment of Booth Level Officers shall be in accordance with the aforesaid directions, in which the guidelines stand modified as follows:-

"1.1 ERO to appoint a BLO for each part of an electoral roll, under Section 13B(2) of the Representation of the People Act, 1950, amongst any Group C and above regular serving employees of state/local government enrolled as elector in that part.

1.2 In the absence of regular state/local government employees, ERO may appoint BLO amongst Anganwadi workers, Contract Teachers, or central government employees. However, in such cases, CEO shall obtain a non-availability certificate signed by ERO and countersigned by DEO.

1.3 In the absence of any employee of categories mentioned above enrolled as an elector in that part of electoral roll, ERO with the prior approval of CEO, may appoint BLO amongst such categories of employee working in the area covered by that part of electoral roll.

1.4 In any other case, prior approval from the Commission shall be mandatory."

5. In the aforesaid circular, all the Chief Electoral Officers have been requested for strict compliance of the above said guidelines as the deputation of Booth Level Officers is a policy matter, which now has to be seen in accordance with the circular dated 05.06.2025.

6. Learned standing counsel further submits that the present case is a policy matter and that no such statutory provision has been violated, therefore, the submission and reliance placed by learned counsel for the petitioner are not applicable here. He relies on the judgement of the Apex Court passed in the case of **Dr. R.K. Goyal Vs. State of U.P. and Ors. reported in (1996) 11 SCC 658**, in which the Court recognized the executive's discretion in policy matters.

7. In view of the above, no interference is called for. Accordingly, the writ petition is **dismissed**.

8. However, it is provided that in case the petitioners move a representation, ventilating all their grievances, before the authorities concerned, the same shall be consider and decided, in accordance with the new modified guidelines, as expeditiously as possible.

September 26, 2025
Rahul.

(Mrs. Manju Rani Chauhan,J.)