



2025:AHC:175015

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - A No. - 14787 of 2025

Durgesh Kumar Pandey

.....Petitioner(s)

Versus

State Of U.P. And 3 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Adarsh Singh, Indra Raj Singh
Counsel for Respondent(s)	:	C.S.C.

Court No. - 52

HON'BLE MRS. MANJU RANI CHAUHAN, J.

The petitioner has preferred instant writ petition challenging an order dated 15.09.2025 passed by respondent no. 3 - District Basic Education Officer, Maharajganj, vide which the approval of the petitioner's appointment on the post of Headmaster has been cancelled, and for a further prayer to permit him to discharge his duties as Head Master and pay him regular salary on month to month basis.

Learned counsel for the petitioner submits that pursuant to the vacancies as advertised for the post of Headmaster on 08.04.2016, the petitioner was appointed in accordance with law on 02.05.2016 after the financial approval accorded on 30.04.2016. On some complaints regarding the fact that the petitioner had not attained 30 years of age as required, an inquiry was conducted without any notice or affording opportunity of hearing to the petitioner and consequently a non-speaking and unreasoned order has been passed which is illegal, arbitrary and against the principles of natural justice.

It has further been submitted by learned counsel for the petitioner that though two inquiries were conducted, i.e., one by Additional Director of Education (Basic) on 03.06.2024 which was in favour of the petitioner saying that as on 03.05.2016 the petitioner had completed 30 years of age, therefore, he was eligible for being appointed as Head Master as per Rule-8 of the Uttar Pradesh Recognized Basic Schools (Junior High School) (Recruitment and Conditions Service of Teachers) Rules, 1978, however, another inquiry was conducted, that too, behind the back of the petitioner on 04.06.2025 by the Deputy Director of Education (Basic), relying on which the order impugned has been passed, which is against the relevant rules as no

reason has been assigned for believing the report dated 04.06.2025, whereas the petitioner as per earlier report dated 03.06.2024 has attained 30 years of age at the time of his appointment as required under law.

Learned counsel for the petitioner further contends that even otherwise the petitioner had earlier approached this Court by means of Writ-A No. 14083 of 2025, Durgesh Kumar Pandey v. State of U.P. and 3 Others, challenging an order dated 22.08.2025 by which salary of the petitioner was stopped and instead of filing counter affidavit in the aforesaid writ petition, the order impugned has been passed which is in violation of the order passed by this Court and the facts as argued in the aforesaid writ petition have not been considered while passing the order impugned in the present writ petition.

Learned Standing Counsel could not dispute the aforesaid position.

Having heard the submissions advanced by learned counsel for the parties and perusal of the record, I find that the ends of justice would be subserved by remitting the matter back to the District Basic Education Officer, Maharajganj - respondent no. 3 to pass a fresh order after hearing the petitioner and perusing the relevant record, in accordance with law, expeditiously, preferably within a period of four weeks from the date of production of a certified copy of this order. The order impugned dated 15.09.2025 is quashed.

Needless to say that as the order impugned cancelling financial approval has been quashed, the petitioner shall be permitted to work as Head Master in the Institution and the salary shall be paid accordingly.

The writ petition is accordingly allowed.

No order as to costs.

September 26, 2025
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(Mrs. Manju Rani Chauhan,J.)