



2026:AHC-LKO:2808-DB

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

SPECIAL APPEAL No. - 458 of 2014

State Of U.P.Throu.Secy.Secondary
Edu.Lko.And Ors.

.....Appellant(s)

Versus

Sri Raza Haider And Ors.

.....Respondent(s)

Counsel for Appellant(s)	:	C.S.C.
Counsel for Respondent(s)	:	Alok Kumar Tripathi

Court No. - 1

**HON'BLE RAJAN ROY, J.
HON'BLE ABDHESH KUMAR CHAUDHARY, J.**

1. Heard.

2. This is an appeal filed by the State under Chapter-VIII Rule-5 of the Allahabad High Court Rules, 1952, challenging the judgment and order dated 26th February, 2014 passed by the learned Single Judge in Writ Petition No.4549 (S/S) of 2013.

3. The appeal was belated. Though delay has been condoned, no interim order was granted. Consequently, the judgment in question has been complied as informed by Shri Surendra Kumar Mishra, holding brief of Shri Alok Kumar Tripathi.

4. The facts of the case, in brief, are that the respondent-petitioner was appointed after selection as clerk in Hamid Ali Inter College, Pihani, Hardoi by the committee of management. However, the D.I.O.S. declined to approve such selection/appointment vide order dated 23.02.2013 which was put to challenge by the respondent-petitioner by means of the above mentioned writ petition, which has been allowed.

5. The ground, on which the approval was declined, was firstly that provisions under regulation 101 of the Regulations was of seeking prior approval secondly there was a ban vide G.O. dated

15.03.2012 on such appointment on Class-III post in aided institutions and thirdly Group-C Rules have not been followed by the committee of management.

6. As regards prior approval is concerned, learned Single Judge has relied upon a judgment of this Court in the case of **Jagdish Singh Vs. State of U.P. and others 2006(3) UPLBEC 2765** wherein it has been held that prior approval does not mean an approval prior to initiation of process of selection but approval before issuance of appointment letter. Reliance has also been placed upon another decision of this Court rendered in the case of **Rajendra Yadav Vs. Deputy Director of Education, Gorakhpur and others 1999(3) AWC 2123** wherein it has been held that if an approval has been sought of an appointment on a Class-III post from the D.I.O.S. then he should take a decision in the matter within two weeks. In the case at hand, the papers were forwarded on 05.05.2012 but decision was not taken within two weeks.

7. In any case, as observed by the writ-Court, it is not a case of disapproval based on the ground that the respondent-petitioner did not fulfill any qualification or that the vacancy was not substantive or he was under age or had any other disqualification. In this regard, a reference has been made to another judgment reported in **2013 ADJ 274 (Vipin Vs. State of U.P. and another)** according to which such government orders are not applicable to the Secondary Education Department in view of the statutory provisions contained in the Intermediator Education Act etc.

8. As regards adherence to Group-C Rules, learned Single Judge has said that it is not being disclosed as to which rule has not been followed. Moreover, we find that a reference to the Rules of 1985 appears to be misplaced as these Rules are applicable to government servant/employees, whereas the college in question is an aided college and terms of recruitment are governed by the Regulations made under the Intermediate Education Act, 1921.

9. We do not find any error in the reasoning given by the learned

Single Judge. Moreover, as there was no stay, the judgement has already been complied and we are now in 2026. The respondent-petitioner is already working. Therefore, we see no reason to interfere with the impugned judgment.

10. Dismissed.

(Abdhesh Kumar Chaudhary,J.) (Rajan Roy,J.)

January 13, 2026
MVS/-