



2026:AHC-LKO:19474

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

WRIT - A No. - 7772 of 2005

Vidya Prkash Tiwari

.....Petitioner(s)

Versus

U.P.Shiksha Parishad And 4 Ors

.....Respondent(s)

Counsel for Petitioner(s) : Abhinav N.Trivedi, Abdul Moin, Ashish
Kumar Pathak, Deo Prakash Srivastava
Counsel for Respondent(s) : C.S.C, Vijay P Srivastava

Court No. - 17

HON'BLE SUBHASH VIDYARTHI, J.

1. Heard Shri Deo Prakash Srivastava, the learned counsel for the petitioner and Shri Rahul Shukla, the learned ACSC for the State.

2. By means of the instant petition, the petitioner has sought issuance of a direction to the opposite party No.2- Director, Secondary Education, U.P., Lucknow to pay salary for the post of Assistant Teacher Sahitya to the petitioner with effect from 28.10.2002, on which date, he joined service in Shri Viddat Parishad Mahavidyalaya, Colonelganj, District- Gonda (hereinafter referred to as "College").

3. It has been stated in the writ petition that the College is a recognized and aided Intermediate College which is included in the grant-in-aid list. Shri Vindeshwari Prasad Mishra, who is working as Assistant Teacher Sahitya, retired and on the vacancy created due to his retirement, selection on the post was made in furtherance of a resolution passed by the Committee of Management of the College on 10.09.2002. An advertisement was issued in two daily newspapers on 02.10.2002, interview was conducted on 25.10.2002 in which the petitioner No.1 was placed at serial No.1 of the list and he was issued an appointment letter on 22.10.2002. The petitioner stated that since his initial appointment on 28.10.2002, he has been working continuously but has not been paid salary by the District Inspector of Schools.

4. On 30.11.2025, an interim order was passed directing the parties to complete pleadings and the District Inspector of Schools, Gonda was directed to pass appropriate orders in accordance with law on the reference

made by the Committee of Management of the College regarding appointment of the petitioner and in case approval was granted, salary would be released. In case approval is refused, a reasoned order will be annexed with the counter affidavit.

5. The opposite party Nos.2 to 4 have filed a counter affidavit stating that the Committee of Management was not empowered to appoint the petitioner and the petitioner's appointment made by the Committee of Management is illegal.

6. The petitioner has filed a rejoinder affidavit in response to the counter affidavit of the opposite parties inter alia stating that on 17.08.2007, the District Inspector of Schools, Gonda had passed an order granting sanction for payment of salary to the petitioner. A copy of the aforesaid order has been annexed as Annexure No.RA-1 which states that in compliance of the interim order dated 30.11.2025 passed by this Court, approval was granted for payment of salary to the petitioner subject to final decision of the writ petition. The learned counsel for the petitioner submitted that even after this order, no salary has been paid to the petitioner.

7. The Management of the College (opposite party No.5) has filed a short counter affidavit wherein it is categorically stated that the petitioner has never been selected and/or appointed in accordance with law by the Competent Authority and he has never served and discharged functions and duties of Assistant Teacher of the College. The signatures of the Manager of the Institution on the appointment letter of the petitioner had been obtained by the Principal of the College by misleading him but upon coming to know about the fraud of the committed by the Principal of the College, the Manager did not permit the petitioner to serve the Institution. The petitioner has not filed any rejoinder affidavit to the counter affidavit filed by opposite party No.5.

8. It has also been stated in the counter affidavit that the petitioner is a close relative of the Principal of the College. Immediately upon coming to know about the illegality committed by the Principal of the College, the Manager sent a letter dated 30.03.2006 to the District Inspector of Schools to take necessary action against the illegal appointment of the petitioner and also issued a show cause notice to the Principal of the College. The Principal was suspended for this misconduct by the impugned order dated 21.06.2007. The

District Inspector of Schools, in stead of approving the suspension order, had passed an order of single operation.

9. Keeping in view the fact that there is no averment that the selection process was initiated after obtaining permission from the District Inspector of Schools; that the State has stated in the counter affidavit that the appointment had been made in an illegal manner and that the Management of the College has categorically stated in the counter affidavit that the petitioner has never been selected and/or appointed in accordance with law by the Competent Authority and he has never served and discharged functions and duties of Assistant Teacher of the College which averments remain uncontroverted as the petitioner has not filed any rejoinder affidavit to the counter affidavit filed by the management.

10. I find no force in the claim of the petitioner that he had been appointed in accordance with law.

11. Accordingly, the petition lacks merit and the same is **dismissed**.

March 17, 2026

-Amit K-

(Subhash Vidyarthi,J.)