



2026:AH C:22013

Reserved
A.F.R.

HIGH COURT OF JUDICATURE AT ALLAHABAD
WRIT - A No. - 62515 of 2017

Raghvendra Prasad Mishra

.....Petitioner

Versus

State of U.P. and others

.....Respondents

Counsel for Petitioner	: Anoop Kumar, Arvind Kumar Singh, Kushmondeya Shahi
Counsel for Respondents	: C.S.C., Shachindra Kumar Mishra, Vibhanshu Vaibhav

Along with :

- Writ – A No. 19042 of 2022 :**
Raghvendra Prasad Mishra
Versus
State of U.P. and 4 others
- Writ – A No. 42077 of 2016 :**
Raghvendra Prasad Mishra
Versus
Joint Director Edu. and 2 others
- Writ – A No. 5197 of 2024 :**
C/M Sri Shivmohar Nath Pandey and another
Versus
State of U.P. and 5 others

Court No. - 44

HON'BLE J.J. MUNIR, J.

- By this judgment, we propose to decide Writ-A No.62515 of 2017, Writ-A No.42077 of 2016, Writ-A No.19042 of 2022 and Writ-A No.5197 of 2024, three of these relating to the claim of Raghvendra Prasad Mishra, an Assistant Teacher with the Sri Shiv Mohar Nath Pandey Kisan Janta Inter College, Nagar Bazar,

Basti, for promotion as a Lecturer in the said institution and the award of selection grade as an Assistant Teacher from the appropriate date. Of these writ petitions, Writ-A No.5197 of 2024 has been preferred by the Management of the Sri Shiv Mohar Nath Pandey Kisan Janta Inter College, Nagar Bazar, Basti (for short, 'the Management'), challenging an order dated 07.02.2024 passed by the District Inspector of Schools, Basti (for short, 'the DIOS'), virtually disapproving the resolution of the Committee of Management dated 26.01.2024, deciding to terminate the services of Raghvendra Prasad Mishra on ground that his selection by the Uttar Pradesh Secondary Education Services Selection Board, Prayagraj (for short, 'the Board') was never made and his appointment was the result of fraud.

2. We have heard Writ-A No.62515 of 2017 as the leading case. Nevertheless, we propose to decide Writ-A No.5197 of 2024, preferred by the Management for a first as the said writ petition carries facts and a cause of action slightly different from those involved in the other three writ petitions preferred by Raghvendra Prasad Mishra, who shall hereinafter be referred to as 'Mishra' in respect of all the writ petitions.

3. Writ-A No.5197 of 2024 preferred by the Management was heard together with the three writ petitions preferred by Mishra for reason that the action of the Management in terminating Mishra's services, dubbing his selection by the Board as non-existent, was really meant to scuttle consideration of Mishra's claim for promotion to the post of a Lecturer. As we would presently see, there was absolutely no basis for the Management to say that Mishra was never selected as a Lecturer by the Board, and, therefore, his appointment was *non est*, entitling them to terminate his services *vide* resolution dated 26.01.2024 and notified by the Manager *vide* order dated 29.01.2024. The Management also want in this petition, after quashing the order of the DIOS dated

07.02.2024, the issue of a *mandamus* to the Uttar Pradesh Education Service Selection Commission (for short, 'the Commission'), the successor of the Board, to approve the order dated 29.01.2024, terminating Mishra's services.

4. The case of the Management is that an order dated 13.09.2005 was issued by the DIOS that in accordance with a memo dated 09.08.2005 issued by the Secretary of the Board, Mishra had been selected as an Assistant Teacher (Trained Graduate) in Hindi and that he be appointed by the Management as such, in their institution. It is the Management's case that in compliance with the said statutory direction issued by the DIOS, they issued a letter of appointment dated 16.09.2005 in Mishra's favour and on 20.09.2005, he joined as an Assistant Teacher. It is the Management's case that in the year 2017, it came to their knowledge that Mishra was never selected in the selection examination, held pursuant to Advertisement No. 01/2002 and Roll No.020110023 mentioned in the order dated 13.09.2005 issued by the DIOS was not available in the entire despatch list of joining letters issued by the Board. The Management say that the despatch list of letters show the name of a man, called Raghvendra Mishra, but his posting is indicated with an institution, called the R.R. Inter College, Hardoi. The Management further assert that upon personal verification of the fact, they found that Raghvendra Mishra is working with the institution, known as R.R. Inter College, Hardoi and is a man different from Mishra, who was appointed by the Management.

5. It is the Management's case further that they submitted multiple applications under the Right to Information Act to the Board and their successor Commission, in order to secure information regarding Mishra's selection against Advertisement No. 01/2002. They were ultimately furnished with a copy of the adjustment register, where letter No. *Patrank*-2053-2120/2005

dated 09.08.2005, bears the same number as that mentioned in the order dated 13.09.2005 issued by the DIOS, directing Mishra's appointment in the Management's institution. It is the Management's case that in the entire letter No. *Patrank*-2053-2120/2005 dated 09.08.2005, Roll No. 020110023, mentioned in the DIOS' order, directing Mishra's appointment, is not available. It is also said that in the aforesaid list, a man, named Raghvendra Mishra, finds mention, but his posting is with the R.R. Inter College, Hardoi. The Management, after receipt of the said information, informed the DIOS, to take action against Mishra regarding the fraud committed by him, saying that Raghvendra Mishra, who was selected by the Board, is another man, who sat the selection examination under Roll No. 090110640 and now serving with another institution. Mishra was never selected, and, therefore, his appointment was the outcome of fraud. It was *non est*. No action was taken by the DIOS in the matter nor inquiry held into the fraud that Mishra committed. The DIOS on a later representation preferred by the Management dated 16.12.2023, called evidence from the Management through his letter dated 20.12.2023, fixing 26.12.2023 for hearing. The DIOS heard parties, but did not look into the relevant material, disclosing Mishra's fraudulent appointment. Instead, a letter dated 27.12.2023 was issued by the DIOS to pay arrears of selection grade to Mishra. At the end of it all, when the DIOS did not take action, the Management granted opportunity to Mishra to show cause in the matter and resolved by the resolution dated 26.01.2024 to terminate his services.

6. A formal order, dispensing with Mishra's services, was issued by the Manager, on the Management's behalf, on 29.01.2024. The DIOS then called for a report regarding the order dated 29.01.2024 from the Management passed against Mishra. The Management answered it by their reply dated 02.02.2024

with a request that the order, terminating Mishra's services, be approved.

7. It is the Management's case that no action was taken by the DIOS in the matter of granting approval to the order, terminating Mishra's services. The Management, aggrieved by the inaction, went to the District Magistrate, Basti, with a representation dated 06.02.2024, which is short, very odd and by no means sweet. The material part of the representation, together with the request made, reads:

“उपरोक्त के सम्बन्ध में अधोहस्ताक्षरी ने जिला विद्यालय निरीक्षक बस्ती को कुल 09 पत्र भेजकर दिशा-निर्देश/ अनुमति मांगा। इसके बावजूद उनके द्वारा कोई दिशा-निर्देश या अनुमति नहीं दी गयी और दिनांक 26.12.2023 को सुनवाई की। उसके बाद करीब 43 दिन व्यतीत हो जाने पर भी निर्णय नहीं लिया।

अधोहस्ताक्षरी ने दिनांक 29.01.2024 को श्री राघवेन्द्र प्रसाद मिश्र फर्जी शिक्षक की सेवा समाप्त कर दी। तब जिला विद्यालय निरीक्षक बस्ती प्रबन्धतंत्र को भंग करने की धमकी दिये।

महोदय जनपद का सर्वोच्च अधिकारी होने के कारण उपरोक्त के सम्बन्ध में आप से उचित कार्यवाही का अनुरोध है।”

8. The Management say that the District Magistrate, Basti directed the DIOS to take a decision in the matter, in consequence of which the DIOS passed the order impugned dated 07.02.2024, disapproving the order dated 29.01.2024 passed by the Manager, terminating Mishra's services. It is the validity of this order dated 07.02.2024 passed by the DIOS, that is impugned in the writ petition, presently under consideration.

9. In this writ petition, notice was issued to the State, the Commission as well as Mishra, but no return has been filed.

10. We have heard Mr. Shachindra Kumar Mishra, learned Counsel for the Management in support of the present writ petition, Dr. Santosh Kumar Shukla, learned Additional Chief Standing Counsel along with Mr. Roopesh Tiwari, learned Standing Counsel on behalf of respondent Nos.1, 2, 3 and 4, Mr.

A.K. Yadav, Advocate, holding brief of Mr. Vibhanshu Vaibhav, learned Counsel appearing on behalf of respondent No.5, the Secretary of the Commission, and Mr. Arvind Kumar Singh along with Mr. Bashisth Narain Pandey, learned Counsel appearing on behalf of Mishra. The record has been perused.

11. Before we proceed to examine the validity of the impugned order and the Management's claim to allied relief, we consider it appropriate to notice a few things, that relate to matters of jurisdiction of certain authorities, *vis-a-vis* each other, in particular the District Magistrate and the DIOS.

12. The District Inspector of Schools is a district level officer in his own right and the Head of the Secondary Education Establishment of the State Government in the district. The Department of Secondary Education is an independent department of the Government with its own hierarchy of officers. The next in line to the District Inspector of Schools is the Deputy Director of Education (Secondary), above whom, there is a Regional Joint Director of Education (Secondary). The next higher officer is the Additional Director of Education (Secondary). The next officer is the Director of Education (Secondary), who is the Head of the Directorate of Secondary Education in the State. The next in hierarchy is part of the State Government and he is the Additional Chief Secretary/ Principal Secretary (Secondary Education). The Department is headed by the Minister of Secondary Education.

13. In this entire hierarchy, the District Collector or the District Magistrate figures nowhere. The District Collector or the District Magistrate is the Head of the Revenue and the Civil Administration in the district and has nothing to do with the Department of Secondary Education. He has no jurisdiction, authority or power in matters of the Department of Secondary Education. It is, therefore, odd, though not surprising, that the

Management faced with inaction upon their proposal to approve their order terminating Mishra's services, approached the District Magistrate for a direction to the DIOS to act with dispatch and take a quick decision. What is more odd, though again not surprising, is that the District Magistrate indeed issued directions, as the Management say, to the DIOS, who promptly complied and discharged his duties in passing an order that he was obliged to do under the law in the matter of approval/ disapproval of the Management's resolution.

14. We are of clear opinion that if the Management were faced with inaction on the District Magistrate's part, they ought have complained in the matter to the next higher officer in the hierarchy of Secondary Education Department, that is to say, the Deputy Director of Education or the Regional Joint Director of Education. The necessary directions could have been issued by these officials to the DIOS. Failing a suitable direction by higher officials in the Department of Secondary Education or even without going to them, the Management could always have moved this Court for the issue of a *mandamus* to the DIOS to undertake his duty and take a decision on their proposal, terminating Mishra's services. A direction of the kind, that the District Magistrate issued, could either be done by an administrative superior, 'in-line' in the hierarchy, sitting over the DIOS or it could be done by a Judge, exercising judicial powers of the State, may be the ordinary original civil jurisdiction, that is exercised by a Civil Judge. A Civil Judge, on the Management's suit, could have issued a mandatory injunction, commanding the necessary action to be taken by the DIOS. If for some reason that remedy was advised not to be efficacious, the Management could always come and invoke our jurisdiction under Article 226 of the Constitution, praying for the issue of a *mandamus* to the DIOS to take a decision in the matter of approval of their proposal to terminate Mishra's services. The

District Magistrate did not have the semblance of a jurisdiction to direct the DIOS in the matter.

15. Why we say that the Management going to the District Magistrate was odd, has been indicated by us hereinabove. The reason why we say that this was not surprising is that there are prevalent notions amongst the citizens at large, both educated and uneducated, that the District Magistrate is some sort of a 'head' of all authorities, public functionaries and statutory bodies functioning in the district, in relation to which he functions as the Collector, being head of the civil administration, responsible for the maintenance of law and order. The law does not invest the District Magistrate with any kind of general supervisory powers over authorities and functionaries of other Departments of the Government of the same or a higher rank stationed in the district. Even if the citizens at large have such mistaken notions about the District Magistrate's authority, it is the District Magistrate's duty to dispel such notions by declining to interfere in matters related to functionaries of other departments, not related to his establishment, or remit under the law. If a statute invests the District Magistrate with any kind of authority in certain matters that would affect the establishment of other authorities, that, of course, is a different matter, but not otherwise. Here, that is not at all the case.

16. There is still another aspect of the matter that we must notice. It is just not that the District Magistrate in this case assumed jurisdiction and issued directions to the DIOS to decide a matter pending before him, but again, surprisingly, the DIOS promptly complied with the District Magistrate's directions. This shows that independent functionaries of the district serving departments, not at all connected to the District Magistrate's establishment, acknowledge the District Magistrate's authority over them without any legal basis to it. This is a case, where the

DIOS should have firmly told the District Magistrate not to intervene in matters of his department, but, instead, he submitted to the District Magistrate's command issued without authority.

17. We must notice here that these kind of situations are commonplace and District Magistrates across the State, virtually act as knights errant, interfering in matters of absolutely unrelated departments upon representations or memorials presented to them by members of the public. Because, independent functionaries, who are in no way subject to the District Magistrate's authority, promptly succumb to all such commands, it re-enforces the public faith that the District Magistrate is some kind of a plenipotentiary in the district, who holds a magic wand that is a panacea to redress any grievance that the public may have against any functionary of the State belonging to whatever establishment, sitting in the district. This perception leads to administrative and legal aberrations, which have to be eliminated with a firm hand. It is advisable for the District Magistrates to tread a safe course and refrain from acting under colour of authority, where they do not have it under the law. Else, for future instances, this Court may have to think of resorting to penal measures against incumbents, who cross line and violate the law.

18. Now turning to the issue involved in the writ petition under consideration, what we find from a reading of the impugned order is that the DIOS, upon inquiries made from the Secretary of the Board, was intimated through letter No. 1325/ अधियाचन/ 677-2023/2023-24 dated 30.01.2024 that the records maintained in the office of the Board show that letter No. 2053-2120 dated 09.08.2005 had forwarded an adjusted panel to the DIOS. In the said panel, Mishra, who was selected in response to Advertisement No. 01/2002 by the Board as a Trained Graduate Teacher Hindi (*Biklang*) and recommended for appointment to the Ganga Prasad Mishri Lal Inter College, Kaudia, Gonda *vide*

notification dated 24.12.2004, had subsequently been recommended for appointment *vide* adjustment letter No. मा० शि० च० बो०/2053-2120/2005 dated 09.08.2005 to the Janta Inter College, Nagar Bazar, Basti. The DIOS, therefore, held that Mishra's case was one of a genuine selection and appointment made by the Board and the order terminating his services on ground that he had secured an appointment without selection, fraudulently, cannot be countenanced. The order of termination was, therefore, disapproved with directions to pay all outstandings of salary etc. upon pain of coercive action against the Management under the Uttar Pradesh High Schools and Intermediate Colleges (Payment of Salaries of Teachers and Other Employees) Act, 1971.

19. The learned Counsel for the parties urged before us their respective cases with the Management saying that Mishra was never selected by the Board and indeed appointed fraudulently, whereas the learned Standing Counsel and the Board, both said that Mishra was genuinely selected and appointed. We, therefore, summoned the original records from the Board relating to Mishra's appointment and perused the same.

20. The foremost document that has been perused is a covering letter, bearing No. मा० शि० च० बो०/ 9588-9603/ 2002 from the Secretary of the Board to the District Inspectors of School, Gonda and Balrampur dated 25.01.2005, enclosing therewith a panel in duplicate of selected candidates in the subject of Hindi under the relevant rules, with a direction to ensure that the selected candidates are placed in the appropriate college. Along with this memo, there are other *memoranda* addressed to other unrelated District Inspector of Schools, not concerned with Mishra. There is then a notification carrying the panel enclosed with the memo dated 25.01.2005. The notification issued by the Board is dated 24.12.2004 and bears No.491/2004. This notification clearly

mentions that the notified selection of teachers, whose names are mentioned there, relates to Advertisement No. 01/2002 issued by the Board. It carries a total number of 12 names of teachers selected for different districts. At serial No.9 of this notification, Mishra's name is mentioned in the following terms:

“9. Ganga Prasad Mishri Lal Inter College, Kaudia, Gonda
0202110023 Shri Raghvendra Prasad Mishra,
Gram-Agai Pad, Post Pipra Gautam, Basti.”

21. The second document that we have perused is a list of LT Grade Teachers-Select, drawn up by the Board in its meeting dated 02.08.2005, where the concerned selectees have been adjusted against institutions other than the ones they were first placed against for appointment. The list carries eight columns. The first carries the serial number, the second the subject, the third the roll number, the fourth the name and address of the teacher-select, the fifth the caste, the sixth the notification number and date, the seventh the name of the institution initially allotted, and the eighth, the adjusted/ re-allotted institution. This document has been produced before us by the learned Counsel for the Board, like the other documents.

22. What appears to be serial No.29 of the list (the precise serial number being removed from the frame of the stenciled copy), mentions in the second column 'L.T. Hindi', the roll number mentioned in the third column is 020110023, in the fourth column, Mishra's name is mentioned with his address. In the column relating to caste, the entry is '*Biklang*'. In the sixth column, the notification number and date shown is 491/04, dated 24.12.2004. In the seventh column, the name of the institution originally allotted to Mishra is mentioned as 'Ganga Prasad Mishri Lal Inter College, Kaudia, Gonda. In the eighth column, the adjusted/ re-allocated institution mentioned is 'Janta Inter College, Nagar Bazar, Basti'. There is little dispute that the institution run by the Management, the full name whereof is Sri Shivmohar Nath

Pandey Kisan Janta Inter College, Nagar Bazar, Basti is the same as Janta Inter College, Nagar Bazar, Basti. No one has disputed before us that reference in the adjustment list to the re-allocated institution as Janta Inter College, Nagar Bazar, Basti, is a reference to the Management's institution. Also placed in original before us is the adjustment register relating to the Board, which again has eight columns. The original register is certified to be a document containing 189 leaves. Leaves are no doubt 189, two successive pages being treated as one leaf. The adjustment entries commence from the second page of the first leaf and end at the first page of the eighth leaf. The adjustment register has eight columns, wherein the first carries the serial number, the second the teacher's-select roll number, the third the 'Subject', the fourth the teacher's-select name and address, the fifth his/ her caste, the sixth the notification number and date, against which the teacher-select had applied, the seventh the name of the institution that was originally allotted, and the eighth, the re-allocated institution. One set of serial numbers end at the first page of leaf No.5 and proceed from 1 to 31. At the second page of leaf No.5, fresh serial numbers commence. Here, at this page of the adjustment register, against serial No.1, the roll number mentioned is 020110023, the subject is Hindi, the teacher's-select name is that of Mishra, the notification number mentioned is 491/2004 and the date of the notification is 24.12.2004. The institution originally allotted to Mishra is Ganga Prasad Mishri Lal Inter College, Kaudia, Gonda and the re-allotted institution, shown in the last column, is Janta Inter College, Nagar Bazar, Basti.

23. The assertions in paragraph Nos.5 and 8 of Writ-A No.5197 of 2024, based on the inaccuracy pointed out in Mishra's roll number from a copy of the adjustment register, lose all significance. A perusal of the adjustment register clearly shows that Mishra's roll number is 020110023 and the notification number is 491/2004 dated 24.12.2004. The adjustment register

also shows that Mishra was originally allotted the Ganga Prasad Mishri Lal Inter College, Kaudia, Gonda and then re-allocated to the Janta Inter College, Nagar Bazar, Basti, that is to say, the Management's institution.

24. The fact that Mishra was indeed selected by the Commission/Board is beyond cavil as appears upon a conjoint perusal of all these documents. The notification number is also confirmed upon a perusal of the original stenciled copy of the notification dated 24.12.2004, bearing No.491/2004, which has been produced by the Board. In the said notification, Mishra's name finds place at serial No.9 and the roll number mentioned is 020110023. In the face of all these documents, there is no scope for the Management to come up with a case of fraudulent appointment against Mishra, based upon a non-existent selection by the Board. In fact, the Management's case, which has led them to pass the resolution dated 26.01.2024 and the consequential order dated 29.01.2024, terminating Mishra's services is clearly *mala fide*. It is based on no evidence.

25. We are of opinion that it has been made deliberately in order to scuttle Mishra's career and send him on a diversion to redeem his employment and service, when he would otherwise be agitating his claim for promotion, that has been denied. We, therefore, hold that the order impugned passed by the DIOS is not only unexceptionable, but the Management's stand is *mala fide*, which must invite imposition of exemplary cost of Rs.50,000/-.

26. We may now turn attention to the remainder of the three writ petitions, all preferred by Mishra.

27. Heard Mr. Arvind Kumar Singh along with Mr. Bashisth Narain Pandey, learned Counsel appearing on behalf of Mishra, Mr. Shachindra Kumar Mishra, learned Counsel for the Management and Dr. Santosh Kumar Shukla, learned Additional

Chief Standing Counsel along with Mr. Roopesh Tiwari, learned Standing Counsel on behalf of the State-respondents, in three of the remaining writ petitions.

28. Writ-A No.42077 of 2016 seeks the issue of a *mandamus* to the DIOS to decide Mishra's representation dated 11.01.2016. The representation is about Mishra's claim to be granted his selection grade, which, according to him, fell due on 20.09.2015. The DIOS has not filed a counter affidavit in response to the present writ petition. However, a counter affidavit has been filed on behalf of the Management, saying many things, resisting Mishra's claim, but what is relevant is the plea set out in paragraph No.31 of their counter affidavit. It is said there that Mishra's claim regarding grant of the selection grade has been decided by the DIOS *vide* order dated 25.07.2023, where selection grade has been ordered to be provided to Mishra w.e.f. 01.07.2019.

29. It is also averred that the order dated 25.07.2023 has never been challenged by Mishra. A perusal of the order dated 25.07.2023 shows that Mishra has been granted the selection grade indeed w.e.f. 01.07.2019. The reasoning in the order apparently discernible is that Mishra was appointed as an Assistant Teacher w.e.f. 02.09.2005, and indeed, completed his qualifying service of 10 years on 19.09.2015, entitling him to selection grade, but it was recommended for him by the Management *vide* their resolution dated 05.05.2023, because the last adverse entry awarded to him was one dated 30.06.2009 and the period of 10 years would have to be reckoned from the date of the said entry. It is in this manner that the DIOS *vide* order dated 25.07.2023 decided to grant selection grade w.e.f. 01.07.2019.

30. No doubt, it is true that Mishra has not challenged the order dated 25.07.2023, but in the other two writ petitions, to which we would soon allude in this judgment, he has questioned the validity

of the adverse entries awarded to him. Therefore, if the adverse entries awarded to Mishra, the last being admittedly the one dated 30.06.2009, were to be held ineffectual by this Court, while deciding the remainder of the two writ petitions, we would think that consequences that would follow would obviate the necessity for any order to be made in the present writ petition.

31. In Writ-A No.62515 of 2017, Mishra has sought quashing of the order dated 12.10.2017 passed by the Joint Director of Education, Basti Region, Basti, declining Mishra's claim to the grant of selection grade as an Assistant Teacher L.T. Grade as well as promotion to the post of Lecturer (Sanskrit). Here, Mishra has further sought our *mandamus* directing each of the respondents to promote Mishra to the post of a Lecturer in Sanskrit with the institution maintained by the Management.

32. Writ-A No.19042 of 2022 has been instituted by Mishra, seeking to quash the order dated 30.08.2022 passed by the Joint Director of Education, promoting respondent No.5 to the post of a Lecturer in Economics with the institution maintained by the Management. Mishra has further prayed for the issue of a *mandamus* to the respondents to promote Mishra to the post of Lecturer in Sanskrit with the institution, apparently against the 50% quota reserved for promotion.

33. In the logical sequence of things, it would be apposite to take up Writ-A No.62515 of 2017 at this stage as it is this petition and Writ-A No.19042 of 2022, that now encapsule all of Mishra's claims to be determined by this Court.

34. In Writ-A No.62515 of 2017, we may notice that a counter affidavit has been filed on behalf of the DIOS, to which there is no rejoinder. There is a supplementary counter affidavit on behalf of the DIOS, which has been answered in terms of a supplementary rejoinder by Mishra. There is a separate counter affidavit on

behalf of the Management answering Mishra's writ petition. Mishra has filed a rejoinder in answer to the Management's case.

35. Now, there are two facets to Mishra's claim in this petition, to wit, the grant of selection grade from the date of his entitlement as an Assistant Teacher L.T. Grade, and, the other is consideration of his case for promotion to the post of a Lecturer in Sanskrit. The impugned order denies both the claims. This we have already noticed while referring to Mishra's claim involved in Writ-A No.42077 of 2016 that Mishra has indeed been granted a selection grade w.e.f. 01.07.2019 *vide* order dated 25.07.2023 passed by the DIOS. This order proceeds on the basis that Mishra was awarded his last adverse entry on 30.06.2009 and 10 years of satisfactory service were completed on 01.07.2019, when he was granted the selection grade. Mishra has claimed it w.e.f. 19.01.2015, inasmuch as he joined the institution maintained by the Management as an L.T. Grade Teacher w.e.f. 20.09.2005. It is, therefore, apparently the adverse entries, that Mishra was awarded, which form the foundation or the basis to deny him selection grade as an L.T. Grade Teacher for a period as long as four years. It has, therefore, to be examined if the adverse entries awarded to Mishra are in accordance with law or these are vitiated by illegalities, that may entitle this Court to interfere.

36. A reading of the impugned order dated 12.10.2017 shows that Mishra was awarded adverse entries for the years 2005-06, 2006-07, 2007-08 and 2008-09 by the Principal of the institution, besides being given a warning by the Manager for indulging in 'anti-institutional activities', described in the order impugned as '*sanstha virodhi karya*'. The impugned order records the fact that Mishra was not only awarded these adverse entries, but duly communicated the same. This fact was brought to the notice of the DIOS by the Management *vide* their letter dated 29.12.2015.

37. Mishra, in paragraph No.17 of the writ petition, has asserted that adverse entries for the years 2005-06, 2006-07, 2007-08 and 2008-09 were neither awarded nor communicated to him and the same cannot be taken into consideration for that reason. It is also asserted that opportunity to show cause regarding the adverse entries awarded has not been given to Mishra till date, but the Manager has set up this story in order to resist Mishra's claim for promotion. Apparently, not only promotion, the adverse entries as the Management say, which mar Mishra's service record are the basis to deny him for a considerable period of time, the award of selection grade. Paragraph No.17 of the writ petition has been answered in the Management's counter affidavit *vide* paragraph No.39, where replying to it along with paragraph Nos.18, 19 and 20 of the writ petition, all that is said on the issue is that Mishra's service is unsatisfactory and bad entries are there on record. In his service book, those bad entries are available and Mishra cannot deny this fact. It is also asserted that all adverse entries are recorded lawfully and Mishra has never challenged the adverse entries in any earlier writ petition.

38. Be that as it may, the Management do not deny the fact that has been asserted in paragraph No.17 of the writ petition that the adverse entries were never communicated to him. The finding of the DIOS that these entries were duly communicated to Mishra, therefore, suffers from an error apparent. The fact that the adverse entries were there in the service book is not sufficient notice to Mishra as it is nowhere asserted that he was given a copy of the service book at the relevant time, when the entries were made or the entries otherwise brought to his notice. We are of opinion, therefore, that the adverse entries for the four years, mentioned hereinabove, were never communicated to Mishra.

39. In this connection, reference may be made to Regulations 72 and 73 of Chapter III of the Regulations framed under the

Intermediate Education Act, 1921 (for short, 'the Act of 1921'), which apply to the Management and the institution, where Mishra served. Regulations 72 and 73 aforesaid read:

"72. In the case where an adverse entry is made in the Character Roll of a person in a particular year, the entire entries of the year, both adverse and favourable shall be communicated to him within 30 days of the making of such an entry and an acknowledgment obtained, information about the withholding of the integrity certificate shall be communicated likewise.

73. A representation against an adverse entry in the character Roll may be made to the Committee of Management whose decision thereon shall be final."

40. In view of the specific provisions, requiring an adverse entry in the character roll to be communicated to a person employed in an institution governed by the Act of 1921, it was incumbent upon the Management to communicate the four adverse entries that they now cite against Mishra to deny him selection grade for a period as long as four years. Even apart from the statutory provisions contained in Regulations 72 and 73, on general principle, it is not permissible for an employer to rely on adverse entries for the purpose of denying promotion or withholding grant of selection grade or visiting the employee with any other adverse civil consequences, if the relevant adverse entries have not been communicated to the employee concerned. I had occasion to consider this question, both on the terms of Regulations 72 and 73 of the Regulations last mentioned and general principle, in **Surendra Kumar Gupta v. State of U.P. and others, 2022 SCC OnLine All 1918**, where I held:

"37. At this stage, it is of the prime importance to notice the stand of the District Inspector of Schools about the adverse entries awarded to the petitioner during the years 2001-2002, 2002-2003, 2003-2004 and 2004-2005. The stand of the District Inspector of Schools in this regard is disclosed in Paragraph Nos. 17 and 18 of his personal affidavit dated 07.10.2021. The said paragraphs read:

17. That bare perusal of the duplicate service book of the petitioner it clearly transpires that uptill 2000 there was no any adverse entry against him and

in the year 2001-2002, 2002-2003, 2003-2004, 2004-2005 adverse remarks were made against the service of the petitioner as the same was not found satisfactory and even his integrity was also found doubtful as such warning as well as adverse entry, withholding of increment as well as deduction from salary, such type of orders were found but there was not a single whisper about this respect that whether prior to awarding the aforesaid punishment due procedure was followed or not and even the petitioner was whether provided opportunity of hearing or not and bare perusal of the said orders it clearly transpires that the then manager and Principal done the alleged proceedings against the petitioner without following any procedure with ill intention as such the said entries are itself void and on the basis of the same no benefit of the petitioner can be stopped on the basis of said illegal entries.

18. That bare perusal of the aforesaid service book it also clearly transpires that vide order dated 29.03.2009 a decision was taken by the respondent No. 6 to suspend the petitioners and the approval of the same was also alleged to be granted by the then D.I.O.S. on 26.05.2009 and later on vide final order dated 28.05.2010 passed by the respondent no. 6 two increment of the petitioner was directed to withheld and even the salary during the suspension period was also directed to be forfeited except the subsistence allowance and later on the petitioner was reinstated in service but as provided under Regulation 21 no approval of the said order was ever done by Secondary Education Service Selection Board as such the said punishment order is also illegal and void."

38. Indeed, the act of the Manager in recording adverse entries behind the petitioner's back, which were never communicated to him, contrary to the provisions of Regulation 72, cast a shadow of grave doubt about the authenticity and the resultant validity of the adverse entries, on which the respondents rely. If statutory regulations require a particular thing to be done in a specified manner, it has to be done in that manner, is a principle too well-known. If a mandatory provision in a statutory regulation, that has adverse civil consequences on the rights of an employee, is observed in breach, there is a clear case of *mala fides* in law. Here, the District Inspector of Schools has opined breach of the regulation in failing to communicate the adverse entries and getting them signed by the petitioner to be an instance of *mala fide* in fact. The circumstances, indeed, indicate that the non-communication was *mala fide*. The *mala fides* were clearly on the Management's part in not getting the adverse entries duly acknowledged by the petitioner under his signatures on the service-book, which would be due notice to him. The petitioner could then represent against those adverse entries in the manner provided under Regulation 73. All this has not all been done. Apart from the provisions of Regulations 72 and 73, the law is clear on the point that the remarks entered in the ACRs must be communicated to the employee concerned within a reasonable period of time, as held by the Supreme Court in *Sukhdev Singh v. Union*

of India, (2013) 9 SCC 566. In *Sukhdev Singh* (supra), it was held:

3. Subsequent to the above two decisions, in *Dev Dutt v. Union of India* [*Dev Dutt v. Union of India*, (2008) 8 SCC 725 : (2008) 2 SCC (L&S) 771], this Court had an occasion to consider the question about the communication of the entry in the ACR of a public servant (other than military service). A two-Judge Bench [*Dev Dutt v. Union of India*, (2008) 8 SCC 725 : (2008) 2 SCC (L&S) 771] on elaborate and detailed consideration of the matter and also after taking into consideration the decision of this Court in *U.P. Jal Nigam* [*U.P. Jal Nigam v. Prabhat Chandra Jain*, (1996) 2 SCC 363 : 1996 SCC (L&S) 519 : (1996) 33 ATC 217] and principles of natural justice expounded by this Court from time to time particularly in *A.K. Kraipak v. Union of India* [(1969) 2 SCC 262]; *Maneka Gandhi v. Union of India* [(1978) 1 SCC 248]; *Union of India v. Tulsiram Patel* [(1985) 3 SCC 398 : 1985 SCC (L&S) 672]; *Canara Bank v. V.K. Awasthy* [(2005) 6 SCC 321 : 2005 SCC (L&S) 833] and *State of Maharashtra v. Public Concern for Governance Trust* [(2007) 3 SCC 587] concluded that every entry in the ACR of a public servant must be communicated to him within a reasonable period whether it is poor, fair, average, good or very good entry. This is what this Court observed in paras 17 and 18 of the Report in *Dev Dutt* [*Dev Dutt v. Union of India*, (2008) 8 SCC 725 : (2008) 2 SCC (L&S) 771] at SCC p. 733:

"17. In our opinion, every entry in the ACR of a public servant must be communicated to him within a reasonable period, whether it is a poor, fair, average, good or very good entry. This is because non-communication of such an entry may adversely affect the employee in two ways : (1) had the entry been communicated to him he would know about the assessment of his work and conduct by his superiors, which would enable him to improve his work in future; (2) he would have an opportunity of making a representation against the entry if he feels it is unjustified, and pray for its upgradation. Hence non-communication of an entry is arbitrary, and it has been held by the Constitution Bench decision of this Court in *Maneka Gandhi v. Union of India* [(1978) 1 SCC 248] that arbitrariness violates Article 14 of the Constitution.

18. Thus, it is not only when there is a benchmark but in all cases that an entry (whether it is poor, fair, average, good or very good) must be communicated to a public servant, otherwise there is violation of the principle of fairness, which is the soul of natural justice. Even an outstanding entry should be communicated since that would boost the morale of the employee and make him work harder."

(emphasis in original)

4. Then in para 22 at SCC p. 734 of the Report this Court in *Dev Dutt* case [*Dev Dutt v. Union of India*,

(2008) 8 SCC 725 : (2008) 2 SCC (L&S) 771] made the following weighty observations:

"22. It may be mentioned that communication of entries and giving opportunity to represent against them is particularly important on higher posts which are in a pyramidal structure where often the principle of elimination is followed in selection for promotion, and even a single entry can destroy the career of an officer which has otherwise been outstanding throughout. This often results in grave injustice and heart-burning, and may shatter the morale of many good officers who are superseded due to this arbitrariness, while officers of inferior merit may be promoted."

5. In paras 37 and 41 of the Report this Court then observed as follows : (*Dev Dutt case* [*Dev Dutt v. Union of India*, (2008) 8 SCC 725 : (2008) 2 SCC (L&S) 771], SCC pp. 737-38)

"37. We further hold that when the entry is communicated to him the public servant should have a right to make a representation against the entry to the authority concerned, and the authority concerned must decide the representation in a fair manner and within a reasonable period. We also hold that the representation must be decided by an authority higher than the one who gave the entry, otherwise the likelihood is that the representation will be summarily rejected without adequate consideration as it would be an appeal from Caesar to Caesar. All this would be conducive to fairness and transparency in public administration, and would result in fairness to public servants. The State must be a model employer, and must act fairly towards its employees. Only then would good governance be possible.

41. In our opinion, non-communication of entries in the annual confidential report of a public servant, whether he is in civil, judicial, police or any other service (other than the military), certainly has civil consequences because it may affect his chances for promotion or get other benefits (as already discussed above). Hence, such non-communication would be arbitrary, and as such violative of Article 14 of the Constitution."

6. We are in complete agreement with the view in *Dev Dutt* [*Dev Dutt v. Union of India*, (2008) 8 SCC 725 : (2008) 2 SCC (L&S) 771] particularly paras 17, 18, 22, 37 and 41 as quoted above. We approve the same.

7. A three-Judge Bench of this Court in *Abhijit Ghosh Dastidar v. Union of India* [(2009) 16 SCC 146 : (2010) 1 SCC (L&S) 959] followed *Dev Dutt* [*Dev Dutt v. Union of India*, (2008) 8 SCC 725 : (2008) 2 SCC (L&S) 771]. In para 8 of the Report this Court with reference to the case under consideration held as under : (*Abhijit Ghosh Dastidar case* [(2009) 16 SCC 146 : (2010) 1 SCC (L&S) 959], SCC p. 148)

"8. Coming to the second aspect, that though the benchmark 'very good' is required for being considered for promotion, admittedly the entry of 'good' was not communicated to the appellant. The entry of 'good' should have been communicated to him as he was having 'very good' in the previous year. In those circumstances, in our opinion, noncommunication of entries in the ACR of a public servant whether he is in civil, judicial, police or any other service (other than the armed forces), it has civil consequences because it may affect his chances for promotion or getting other benefits. Hence, such noncommunication would be arbitrary, and as such violative of Article 14 of the Constitution. The same view has been reiterated in the abovereferred decision (*Dev Dutt case* [*Dev Dutt v. Union of India*, (2008) 8 SCC 725 : (2008) 2 SCC (L&S) 771], SCC p. 738, para 41) relied on by the appellant. Therefore, the entries 'good' if at all granted to the appellant, the same should not have been taken into consideration for being considered for promotion to the higher grade. The respondent has no case that the appellant had ever been informed of the nature of the grading given to him."

8. In our opinion, the view taken in *Dev Dutt* [*Dev Dutt v. Union of India*, (2008) 8 SCC 725 : (2008) 2 SCC (L&S) 771] that every entry in ACR of a public servant must be communicated to him/her within a reasonable period is legally sound and helps in achieving threefold objectives. First, the communication of every entry in the ACR to a public servant helps him/her to work harder and achieve more that helps him in improving his work and give better results. Second and equally important, on being made aware of the entry in the ACR, the public servant may feel dissatisfied with the same. Communication of the entry enables him/her to make representation for upgradation of the remarks entered in the ACR. Third, communication of every entry in the ACR brings transparency in recording the remarks relating to a public servant and the system becomes more conforming to the principles of natural justice. We, accordingly, hold that every entry in ACR—poor, fair, average, good or very good—must be communicated to him/her within a reasonable period.

39. The precise point, that uncommunicated adverse ACRs/entries cannot be relied upon for the purpose of consideration for promotion, was subject matter of consideration before the Supreme Court in *Rukhsana Shaheen Khan v. Union of India*, (2018) 18 SCC 640. Their Lordships in *Rukhsana Shaheen Khan* (supra) held:

1. The sole issue involved in this appeal is whether the uncommunicated Annual Confidential Reports (ACRs), which are adverse to the appellant, should have been relied upon for the purpose of consideration of the appellant for promotion.

2. In view of the decision of this Court in *Sukhdev Singh v. Union of India* [*Sukhdev Singh v. Union of India*, (2013) 9 SCC 566 : (2014) 1 SCC (L&S) 279], there cannot be any dispute on this aspect. This

Court has settled the law that uncommunicated and adverse ACRs cannot be relied upon in the process.

3. This appeal is, accordingly, allowed and the impugned judgment [*Rukhsana Shaheen Khan v. Union of India*, 2006 SCC OnLine Del 1840] is set aside with the following directions:

(a) The competent authority is directed to ignore the uncommunicated adverse ACRs and take a fresh decision in accordance with law.

(b) The appellant shall be afforded an opportunity of hearing in the process.

4. It will be open to the appellant to make all available submissions, including the reference to the judgment of this Court in *Prabhu Dayal Khandelwal v. UPSC* [*Prabhu Dayal Khandelwal v. UPSC*, (2015) 14 SCC 427 : (2016) 1 SCC (L&S) 825].

40. The legal position being clear that uncommunicated adverse entries cannot form the basis to deny promotion and a *fortiori* denial of promotion pay scale to an employee, the action of the respondents in seeking to deny consideration for grant of promotion pay scale to the petitioner on the basis of uncommunicated ACRs/entries for the years 2000-2001, 2001-2002, 2002-2003, 2003-2004 and 2004-2005, cannot be countenanced. The District Inspector of Schools in his affidavit has, on larger grounds, opined those entries to be inherently vitiated.

41. Be that as it may, this Court is of the firm opinion that the adverse ACRs/entries in the petitioner's service-book cannot be made the basis of denying him consideration for the grant of promotion pay scale. It is, accordingly, held."

41. We have already held earlier in this judgment that the adverse entries for the four years in question were never communicated to Mishra. In view of the legal position regarding uncommunicated adverse entries in the matter of consideration of a teacher's claim for grant of selection grade or promotion, we are of opinion that the order dated 12.10.2017, impugned in Writ-A No.62515 of 2017, passed by the Joint Director of Education, declining Mishra's claim for grant of selection grade as an Assistant Teacher L.T. Grade w.e.f. 19.01.2015 based on the four adverse entries, deserves to be quashed to that extent. Mishra is entitled to the grant of selection grade, not w.e.f. 01.07.2019, that is to say, when he completed 10 years of service from the date of the last adverse entry awarded to him, but w.e.f. 19.01.2015 upon completion of 10 years service from the date he joined the

Management's institution, to wit, on 20.09.2005. Mishra would be entitled to a revision of his emoluments on that basis as well as his post retiral benefits, accordingly. Mishra would also be entitled to arrears on account of revision of emoluments w.e.f. 19.01.2015 until time these are paid.

42. This takes us to the other question involved in this petition, regarding which Mishra has claimed a *mandamus* to promote him to the post of Lecturer in Sanskrit.

43. Regarding this part of Mishra's relief, it must be noticed that he has retired from service pending this petition on 31.03.2024. It was urged on behalf of the respondents that Mishra's claim for promotion has now become infructuous and this part of the relief cannot be granted to him. We do not agree. If Mishra is found entitled to promotion or his case on this score held wrongfully denied by the respondents, entitling him to a quashing of that part of the impugned order with a direction to re-consider it, Mishra would also be entitled to notional promotion from the date he is found by this Court to be entitled or by the Authority to which the matter is remitted, i.e. if his claim is substantiated before the said Authority.

44. The impugned order passed by the Joint Director of Education holds that Mishra's case for promotion to the post of Lecturer in Sanskrit was refused to be recommended by the Management on ground that his services were not satisfactory. The order notes that the post of Lecturer in Sanskrit fell vacant on 30.06.2011 on account of the incumbent retiring, but the resultant vacancy was forwarded to the Board *vide* requisition dated 12.12.2011. It is then remarked that Mishra has instituted Writ-A No.42077 of 2016 before this Court aggrieved by his non-promotion, which is pending. It is also said that pending the writ petition, Mishra had appealed to the Joint Director, claiming the relief of promotion. It must be remarked here that so far as the

pendency of Writ-A No.42077 of 2016 before this Court relating to Mishra's claim for promotion is concerned, the impugned order makes an unnecessary and uncalled for reference to it.

45. Writ-A No.42077 of 2016 claims the inconsequential relief of the issue of a *mandamus* to the DIOS to decide his representation dated 11.01.2016. The said representation is about claiming selection grade w.e.f. 20.09.2015, a matter which we have already pronounced upon. The writ petition does not claim any substantive relief, either regarding award of selection grade or promotion to the post of Lecturer. In fact, there is no claim about promotion to the post of Lecturer in the representation dated 11.01.2016, which Mishra has sought a decision of by a command of this Court. The remarks in the impugned order, making an allusion to the aforesaid writ petition, are absolutely unnecessary and ones made deliberately by the Joint Director to confound the issue and lend a hollow buttress to his reasoning, declining Mishra's claim to promotion. We have already held earlier in this judgment that the uncommunicated adverse entries awarded to Mishra are inconsequential, which cannot be relied upon to deny him the benefit of selection grade. *A fortiori*, the remarks in the impugned order, that Mishra's case for promotion was refused to be recommended by the Management on account of his unsatisfactory service record, too lose their factual basis.

46. With the adverse entries awarded to Mishra being declared inconsequential, there is nothing in his service record that may entitle the Management to say that his services were unsatisfactory. For the same reason, the remarks to this effect carried in the impugned order are also without foundation to rest. It is recorded in the Joint Director's order impugned that the post of a Lecturer in Sanskrit fell vacant on 30.06.2011 and it was recommended for being filled up by direct recruitment to the Board on 12.12.2011. The tenor of the impugned order shows that

the Joint Director proceeded on the basis that when the post of Lecturer in Sanskrit fell vacant, that is to say, 30.06.2011, Mishra's service record being not satisfactory, he was not recommended and that, therefore, this vacancy was intimated to the Commission to be filled up by direct recruitment. There is nothing else said in the impugned order in justification for upholding the denial of promotion to Mishra. It is beyond cavil that the validity of an order under challenge is to be judged on its own terms and contents. The reasons cannot be supplemented by affidavit. Nevertheless, in this case, since we propose to rest some substantial issues here, we have looked into the justification offered by the Education Authorities, as well as the Management, to decline Mishra's promotion.

47. In the counter affidavit filed on behalf of the DIOS, which represents the stand of the Education Authorities, it is averred that after re-determination of the sanctioned strength of staff in the college, four posts of Lecturers were held to be there as sanctioned posts. It is said in paragraph No.17 of the counter affidavit filed on behalf of the DIOS that after the man, who was holding the post of Lecturer in Sanskrit, retired on 30.06.2019, an intimation was sent to the Board, inasmuch as the post that fell vacant, falls under the direct recruitment quota. It is then added as the reason to refuse promotion that Mishra's services not being satisfactory, as there were adverse entries recorded in his service-book, he was declined promotion.

48. In the counter affidavit filed on behalf of the Management, it is averred in paragraph No.35, after pleading a denial of paragraph Nos.8, 9, 10, 11 and 12 of the writ petition, that the Management had sent information to the Board to fill up the vacancy of Lecturer in Sanskrit through direct recruitment and Mishra, therefore, cannot claim it by way of promotion. It is asserted by the Management that the vacancy belongs to the

direct recruitment quota and not earmarked for promotion. It is then pleaded consistently in paragraph Nos.35, 37, 38, 39, 40, of the Management's counter affidavit, amongst other things that we would shortly notice, that Mishra's service record is unsatisfactory on account of adverse entries awarded to him. Those entries we have already held to be inconsequential and without force. The effect of our declaration as aforesaid is that the adverse entries must be regarded as ones that never existed. It is not that these adverse entries can be regarded as existing at the relevant time and in consequence of our order made today, declaring these inconsequential, they would lose force from the date of our judgment. The effect of our declaration is without doubt one that for all intents and purposes renders the entries meaningless, though these were in fact awarded and figured on record.

49. After all, the law about adverse entries is well settled that uncommunicated prejudicial entries cannot be relied upon for the purpose of considering the employee's case for promotion. Such uncommunicated adverse entries are to be ignored. Reference in this connection may be made to **Dev Dutt v. Union of India and others, (2008) 8 SCC 725** and **Rukhsana Shaheen Khan v. Union of India and others, (2018) 18 SCC 640**. Mishra's service record can, therefore, not be regarded as unsatisfactory.

50. As already remarked, so far as the impugned order regarding denial of promotion is concerned, this would be sufficient to quash it, but the matter would then have to be remitted to the statutory Authority to determine the question of Mishra's entitlement to notional promotion. It is for this reason that we have examined the other plea raised in denial of Mishra's claim through affidavit. This plea is that the post of Lecturer in Sanskrit, which Mishra claims on the basis of promotion, in fact, falls under the direct recruitment quota.

51. In order to justify the aforesaid position, the profile of the cadre of Lecturers in the institution maintained by the Management, that is to say, profile of the cadre on the premise which posts of Lecturer were earmarked for promotion and direct recruitment, we find the Management's stand set forth in paragraph No.36 of their counter affidavit, as hereinafter described. It is asserted that Surendra Kumar Bharti was promoted as a Lecturer in Economics on 16.09.2022 and Rajit Ram Verma was promoted as Lecturer in Geography. The post of Lecturer in Hindi was filled up by direct recruitment and the post of Lecturer in Civics too was filled up by direct recruitment. In the aforesaid manner, the Management have attempted to justify that there was no post available to be filled up by way of promotion, the quota thereof i.e. 50% under the statute being full.

52. It is asserted in paragraph No.36 of the counter affidavit further that in the subject of Sanskrit, the number of students is very less and during certain sessions, students are not at all available. It is for the said reason that the post of Lecturer in Sanskrit was intimated to the Commission for filling up through direct recruitment. There appears to be some conflict in the Management's stand because in paragraph No.36, they do not speak about any post of a Lecturer in Sanskrit being there. They have explained all the posts of Lecturers are filled up, both by way of promotion and direct recruitment, in the subjects of Economics, Geography, Hindi and Civics. Nevertheless, the order impugned passed by the Joint Director of Education shows that one post of Lecturer in Sanskrit is there, which has been intimated to the Board for being filled up by way of direct recruitment. The Management also do not dispute the said fact notwithstanding their confounding assertions about the posts of Lecturers, numbering four, subject-wise. It cannot, therefore, be doubted that there is a post of Lecturer in Sanskrit with the Management's

institution, which they have intimated to the Board to be filled up by way of direct recruitment.

53. A supplementary counter affidavit filed on behalf of the DIOS endeavours to give a more accurate description of the Lecturers cadre profile, subject-wise and quota-wise – quota about promotion and direct recruitment. In paragraph No.13 of the supplementary counter affidavit filed by the DIOS, the stand taken is that on 23.12.2022, the Management intimated through a report of that date the fact that the post of Lecturer in Sanskrit had fallen vacant on 30.06.2011 due to retirement of Jagdamba Prasad Mishra and that it was to be filled up by direct recruitment. It is then averred that the said post was filled up by adjustment of Smt. Gayatri Devi, Lecturer (Economics) on transfer from another institution. It is asserted that Rajit Ram Verma, Assistant Teacher, L.T. Grade, was promoted to the post of Lecturer (Geography) on 10.04.2014 and the post of Lecturer (Hindi) was filled up by adjustment of Krishna Kanhaiya Verma upon his transfer. About the post of Lecturer (Economics), which fell vacant due to retirement of Smt. Gayatri Devi on 31.02.2022, it is asserted that Surendra Kumar Bharti was promoted on 30.08.2022 as Lecturer (Economics). The stand in paragraph No.14 of the supplementary counter affidavit is that out of the four sanctioned posts of Lecturers, two have been filled up by way of promotion under the 50% quota, one by direct recruitment, adjusting Krishna Kanhaiya Verma, Lecturer (Hindi) upon his transfer and one post of Lecturer is vacant, which falls under the direct recruitment quota. It is asserted that there is no vacancy of Lecturer under the 50% quota, entitling Mishra to promotion.

54. In the supplementary rejoinder affidavit filed by Mishra in response to the supplementary counter affidavit filed by the DIOS, it is averred in paragraph No.4, answering paragraph Nos.3 and 4

of the supplementary counter affidavit, but in effect answering paragraph Nos.13 and 14 as well, thus:

"4. That the contents of paragraph nos. 3 and 4 of the supplementary counter affidavit are incorrect hence denied. The post of lecturer (Sanskrit) fell vacant on 30.06.2011 due to retirement of Jagdamba Prasad Mishra and on the said date out of 4 posts following person were working:-

A. Sri Krishna Nand Shukla was granted the Lecturer Grade being Physical Education Teacher pursuant to the Govt. order dated 28.02.1990 therefore Sri Shukla cannot be treated under promotion quota.

B. Sri Shyam Lal was granted the Lecturer Grade as Language Teacher pursuant to the Govt. order dated 28.02.1990 therefore he cannot be treated under promotion quota and apart from this the controversy has been decided that awarding the lecturers grade the person is not entitled to be treated as lecturers. True copy of the service book are being filed herewith and marked as **Annexure No. 1** to this supplementary rejoinder affidavit.

C. Sri Gajadhar Nath Mishra was promoted as lecturer under 50% quota therefore out of 4 posts only one post has been filled up under promotion quota and as such the petitioner was eligible and qualified for the post of lecturer in Sanskrit under promotion quota but his claim was rejected."

55. The most crucial fact to be seen in order to determine Mishra's right to be considered for promotion to the post of a Lecturer is the date when the right accrued to him. The post of Lecturer in Sanskrit fell vacant on 30.06.2011 and the right to be considered for promotion for Mishra is to be seen with reference to the relevant recruitment year, as defined under Section 2(I) of the Uttar Pradesh Secondary Education (Services Selection Boards) Act, 1982 (for short, 'the Act of 1982'). Section 2(I) of the Act of 1982 defines year of recruitment as follows:

"2. Definitions.- In this Act,-

x x x x

(1) Year of recruitment' means a period of twelve months commencing from first day of July of a calendar year."

56. Rule 14 of the Uttar Pradesh Secondary Education Services Selection Board Rules, 1998 (for short, 'the Rules of 1998'), dealing with the procedure for recruitment by promotion, reads:

"14. Procedure for recruitment by promotion.-(1) Where any vacancy is to be filled by promotion all teachers working in trained graduates grade or Certificate of Teaching grade, if any, who possess the qualifications, prescribed for the post and have completed five years continuous regular service as such on the first day of the year of recruitment shall be considered for promotion to the lecturers grade or the trained graduates grade, as the case may be, without their having applied for the same.

Notes-For the purposes of this sub-rule, regular service rendered in any other recognised institution shall be counted for eligibility, unless interrupted by removal, dismissal or reduction to a lower post.

(2) The criterion for promotion shall be seniority subject to the rejection of unfit.

(3) The Management shall prepare a list of teachers referred to in sub-rule (1), and forward it to the Inspector with a copy of seniority list, service records, including the character rolls, and a statement in the proforma given in Appendix 'A'.

(4) Within three weeks of the receipt of the list from the management under sub-rule (3), the Inspector shall verify the facts from the record of his office and forward the list to the Joint Director.

(5) The Joint Director shall consider the cases of the candidates on the basis of the records referred to in sub-rule (3) and may call such additional information as it may consider necessary, The Joint Director shall place the records before the Selection Committee referred to in sub- section (1) of Section 12 and after the committee's recommendation, shall forward the panel of selected candidates within one month to the Inspector with a copy thereof to the Management.

(6) Within ten days of the receipt of the panel from the Joint Director under sub-rule (5), the Inspector shall send the name of the selected candidates to the Management of the institution which has notified the vacancy and the Management shall accordingly on authorisation under its resolution issue the appointment order in the proforma given in Appendix 'F' to the such candidate."

(emphasis by Court)

57. Section 12 of the Act of 1982 provides:

"12. Procedure of selection by promotion.—

(1) For each region, there shall be a selection Committee, for making selection of candidates for promotion to the post of a teacher, comprising:-

- (i) Regional Joint Director of Education – Chairman
 - (ii) Senior most Principal of Government Inter college – member in the region;
 - (iii) Concerned District Inspector of School – member /secretary
- (2) The procedure of selection of candidates of promotion to the post of a teacher shall be such as may be prescribed.”

58. The procedure for selection of a candidate by promotion, we have already alluded to by making a reference to Rule 14 of the Rules of 1998, quoted *in extenso* hereinabove. Considering the provisions of the Act of 1982 and the Rules of 1998, it is pellucid that Mishra was eligible for promotion when the vacancy of Lecturer in Sanskrit came into existence on 30.06.2011, as by then he had completed five years continuous and regular service as a Teacher in the Trained Graduates Grade. There is no issue that he did not possess the requisite qualifications prescribed for the post. The reason why Mishra was not considered for promotion was unsatisfactory service record, marred as it was, by adverse entries for the years 2005-06, 2006-07, 2007-08 and 2008-09. These adverse entries, we have already held, were fit to be ignored. In the circumstances, we are of considered opinion that after the post of Lecturer fell vacant on 30.06.2011, Mishra was eligible to be considered for promotion, as he rightly says, on 01.07.2011 or as soon thereafter as might have been, 01.07.2011 being the commencement of a new recruitment year following the occurrence of vacancy.

59. Admittedly, when the post of Lecturer in Sanskrit fell vacant on 30.06.2011 upon the retirement of Jagdamba Prasad Mishra, there were six sanctioned posts of Lecturers. Mishra's entitlement and his right to be considered for promotion crystallized at that time. By then, the sanctioned strength had not at all been revised in terms of the Government Order dated 22.02.2013, bringing down the sanctioned strength of Lecturers to four from six. The case of the DIOS is that in the relevant recruitment year, that is to say, the one commencing 01.07.2011, when the post of Lecturer

in Sanskrit fell vacant on the then sanctioned strength of six in the Lecturers' cadre, three Lecturers, to wit, Krishna Chandra Shukla, Shyam Lal Verma and Gajadhar Nath Mishra, were working under the promotion quota and, therefore, the vacancy of Lecturer in Sanskrit, that occurred due to Jagdamba Prasad Mishra's retirement on 30.06.2011, would go to the direct recruitment quota.

60. In the supplementary rejoinder affidavit, it is pointed out by the learned Counsel for Mishra that Krishna Chandra Shukla was never promoted to the post of a Lecturer, but was granted the Lecturers' grade in terms of a Government Order dated 28.02.1990. He was a Physical Education Teacher. The grant of the Lecturers' grade did not constitute his promotion to the cadre of Lecturers. Similarly, Shyam Lal Verma too was granted the Lecturers' Grade as a language teacher in terms of the Government Order dated 28.02.1990. It is urged that he cannot be treated ever to have been promoted to the post of a Lecturer, the award of the Lecturer's grade in terms of the G.O. last mentioned notwithstanding.

61. In order to resolve this part of the controversy, we summoned the service records of these two teachers, to wit, Krishna Chandra Shukla and Shyam Lal Verma, in order to find out if they were indeed promoted to the post of a Lecturer or were merely given the Lecturer's grade. We have also looked into the terms of the Government Order dated 28.02.1990, on the basis of which it is said that these two teachers were simply given the Lecturer's grade, but never promoted as such. Shyam Lal Verma's service book has been produced in original, whereas a xerox copy of Krishna Chandra Shukla's service-book attested by the Manager and the Principal of the institution has been produced. None of the parties dispute the genuineness of these documents, including the State.

62. A perusal of Shyam Lal Verma's service-book shows that he was appointed on the basis of the Management's resolution dated 07.07.1972 in the C.T. Grade. Later on, in terms of an order dated 03.03.1981, he was placed in the L.T. Grade. A perusal of page No.5 of the service-book shows that Verma functioned as an Assistant Teacher L.T. Grade and Physical Education up to 31.07.1990. However, w.e.f. 01.08.1990, he was granted the Lecturer's grade upon completion of 10 years continuous service in terms of the Government Order dated 28.02.1990. The following order has been endorsed in red ink in the service-book:

"10 वर्ष की निरन्तर सेवा पर शा० सं० 2111/8-5-90/3087/89 दिनांक 28-2-90 के अनुसार दिनांक 1-8-90 से प्रवक्ता वेतनक्रम दिया गया एवं दिनांक 1-8-90 को रु० 1650=00 वेतन निर्धारित किया गया।"

Just beyond where the aforesaid order is endorsed in Verma's service-book, in the left hand column, he is described as *Pravakta Vyayam Shiksha*.

63. It would be apposite to refer to the Government Order dated 28.02.1990 issued by a Joint Secretary to the Government of Uttar Pradesh and addressed to the Director of Education, Lucknow/ Allahabad. The said Government Order reads:

"प्रेषक,
श्री शरदिन्दु,
संयुक्त सचिव,
उत्तर प्रदेश शासन।
सेवा में,
शिक्षा निदेशक,
उत्तर प्रदेश,
लखनऊ/इलाहाबाद

शिक्षा [8] अनुभाग लखनऊ : दिनांक फरवरी 28, 1990
विषय-- वेतन पुनरीक्षण समिति, उत्तर प्रदेश, 1989 की संस्तुतियों पर लिये गये निर्णयानुसार अशासकीय सहायता प्राप्त उच्चतर माध्यमिक विद्यालयों/इन्टर कालेजों में शैक्षिक पदों पर पुनरीक्षित वेतनमानों की स्वीकृति।

महोदय,
उपर्युक्त विषयक शासनादेश संख्या 4749/15-8-89/3087/89 दिनांक 4 अक्टूबर, 1989 के पैरा-3 के अनुक्रम में मुझे यह कहने का निर्देश हुआ है कि

कला, व्यायाम, भाषा, गृह विज्ञान, शिल्प, संगीत, त्रिभाषा, पेंटिंग, टंकण, आशुलिपि तथा क्राफ्ट विषयों को कक्षा 9-10 में पढ़ने वाले सी० टी० ग्रेड में निर्धारित अर्हता के आधीन नियुक्त अध्यापकों को जब कक्षा 9-10 में पढ़ते हुए 10 वर्ष पूरे हो जायें तो उन्हें एल० टी० ग्रेड के साधारण वेतनमान रु० 1400-40-1800-द० रो०-50-2300 दिया जाये ।

2--उक्त विषयों को कक्षा 11-12 में पढ़ने वाले एल० टी० ग्रेड के ऐसे अध्यापकों को जिनकी नियुक्ति निर्धारित अर्हता के अधीन हुई है--जब कक्षा 11-12 में पढ़ाते हुये 10 वर्ष पूरे हो जायें तो उन्हें प्रवक्ता वेतनमान रु० 1600-50-2300-द० रो०-60-2600 दिया जाये ।

3--भविष्य में उपर्युक्त विषयों को पढ़ाने वाले अध्यापकों को एल० टी० एवं प्रवक्ता वेतनमान में नियुक्ति कि लिये सम्बन्धित व्यवसाय की अर्हता के साथ क्रमशः स्नातक/स्नातकोत्तर अर्हता निर्धारित की जाती है।

4--ये आदेश वित्त (वेतन आयोग) अनुभाग-2 के अशासकीय संख्या-वे० आ० (2) 55/10-90 दिनांक 28 फरवरी, 1990 में प्राप्त उनकी सहमति से जारी किये जा रहे हैं।

भवदीय
(शरदिन्दु)
संयुक्त सचिव"

64. A perusal of paragraph Nos.1 and 2 of the Government Order dated 28.02.1990 shows that it is about sanction of revised pay scale based on the recommendations of the U.P. Wages Revision Committee, 1989 for teaching posts in non-government aided higher secondary schools/ inter colleges. A conjoint perusal of paragraph Nos.1 and 2 of the Government Order under reference shows that in modification of an earlier Government Order dated 04.10.1989, L.T. Grade Teachers *inter alia* in Physical Education, who have been appointed in accordance with Rules and taught Classes XI and XII for ten years, would be entitled to be paid the Lecturer's Grade in the pay scale of Rs.1600-50-2300-EB-60-2600. By no means does the Government Order dated 28.02.1990 speak of any kind of promotion to an L.T. Grade Teacher. Rather, the Government Order speaks of provision of the Lecturer's pay scale to L.T. Grade Teachers, teaching certain subjects to Classes XI and XII for a period of ten years. Physical Education is one of the subjects, where an incumbent L.T. Grade Teacher would be entitled to receive the pay scale of a Lecturer, upon completion of ten years' service.

65. The order in the service-book and the relative entry shows that Shyam Lal Verma was given the Lecturer's pay scale or grade in terms of the Government Order dated 28.02.1990. He was never promoted to the post of a Lecturer. If there were any kind of doubt about the fact, the statute obviates the possibility. Rule 14 of the Rules of 1998 read with Section 12 of the Act of 1982 provides a procedure for promotion of L.T. Grade Teachers, staking claim to be appointed a Lecturer, in a private aided intermediate college. The procedure involves, amongst other things, consideration of the candidature by the Selection Committee envisaged under Section 12 of the Act of 1982. Apparently, Verma was never promoted to the post of a Lecturer following the procedure prescribed. He was just given the Lecturer's pay scale in terms of the Government Order dated 28.02.1990.

66. So far as Krishna Chandra Shukla is concerned, he appears to have been a substantively appointed L.T. Grade Language Teacher, who was given the Lecturer's pay scale in accordance with the Government Order dated 28.02.1990. A perusal of his service-book shows that he was an L.T. Grade Teacher until 30.06.1990 and was given the Lecturer's pay scale in terms of the Government Order dated 28.02.1990 w.e.f. 01.07.1990, placing him in the pay scale of Rs.1600/-. Though the subsequent entries show and describe him as *Pravakta* Hindi, but it is apparent that Krishna Chandra Shukla was granted the Lecturer's pay scale as a Language Teacher. There is nothing to show that he was promoted to the post of a Lecturer. There is no reference to a promotion order in the service-book, promoting him to the Lecturer's cadre. It must, therefore, be held that Krishna Chandra Shukla was given the Lecturer's pay scale, though he was an L.T. Grade Teacher. He was, therefore, not part of the Lecturer's cadre. The Management have also sent along a seniority list of

Lecturers for the session 2010-11, where Shyam Lal Verma and Krishna Chandra Shukla have been shown as Lecturers.

67. We are of opinion that the said lists are flawed. These teachers were L.T. Grade Teachers, who were given the Lecturer's grade, but, by no means, promoted to the post of Lecturers. There is also a list of Assistant Teachers for the year 2010-11. The said list ranks thirteen Assistant Teachers L.T. Grade, senior to Mishra in the year 2010-11. There is no case that any of the Assistant Teacher L.T. Grade, senior to Mishra in the year 2011, were entitled to be promoted on the post of Lecturer in Sanskrit vacated by Jagdamba Prasad Mishra on 30.06.2011. Therefore, in the year 2011, there was only one teacher Gajadhar Nath Mishra, who was promoted as Lecturer under the 50% quota. The other posts to the extent of 50% had to be filled up by promotion. The number of posts being six way back on 01.07.2011, when that recruitment year commenced, Mishra was apparently entitled to be considered for promotion.

68. We notice that the stand in paragraph No.13 of the supplementary counter affidavit filed on behalf of the DIOS is that the vacancy on the post of Lecturer in Sanskrit, that occurred on 30.06.2011, was filled up by direct recruitment on 30.06.2013 by adjustment of Smt. Gayatri Devi, Lecturer (Economics) on transfer from another institution. The settled principle is that the 50% promotion quota in the higher cadre of Lecturers is to be filled first and the remainder of 50% posts then filled in through direct recruitment. In this connection, reference may be made to **Rakesh Bhardwaj v. State of U.P., 2007 (5) ALJ 39**, where it has been held:

"17.It is only after promotion quota of 50 per cent stands exhausted, the management is empowered to determine the vacancy to be filled in by way of direct recruitment"

69. The DIOS in paragraph No.13 of the supplementary counter affidavit has said that the post of Lecturer in Sanskrit, that fell vacant on 30.06.2011 on account of retirement of Jagdamba Prasad Mishra, was to be filled up by direct recruitment, and for that reason, it was filled up on 30.06.2013 by adjustment of Smt. Gayatri Devi, Lecturer (Economics) on transfer from another institution. The fact that the vacancy, that occurred on 30.06.2011, was to be filled by direct recruitment, is apparently a flawed stand. The reason is that this assertion proceeds on the supposition that on the date the vacancy occurred, two Lecturers were functioning in the cadre in the promotion quota, to wit, Shyam Lal Verma and Krishna Chandra Shukla. We have already held that these teachers were not Lecturers, but merely given the Lecturers pay scale in terms of the Government Order dated 28.02.1990. Their presence on the faculty would not account for a Lecturer duly appointed to the cadre. They would still be regarded as L.T. Grade Teachers, who were receiving the Lecturers' pay scale in terms of the Government Order dated 28.02.1990. Thus, on 30.06.2011, or rather 01.07.2011, there was ample vacancy within the 50% quota for promotion to consider Mishra's case, which the respondents did not. They apparently did not consider Mishra's claim for the post of Lecturer in Sanskrit because they banked upon his service record, which had been marred by adverse entries across four years.

70. We have already held that the adverse entries are inconsequential because they were never communicated. These could not have been taken into account to deny consideration of promotion to Mishra. We also notice that one Surendra Kumar Bharti was promoted on 30.08.2022 on the post of Lecturer (Economics) consequent upon the retirement of Smt. Gayatri Devi. There is no reason why at this point of time, Mishra could not have been considered for promotion, considering the cadre profile of Lecturers divided on the basis of promotion quota and

direct recruitment. There is no justification in any view of the matter for denying consideration of Mishra's case for promotion right from the year 2011 until the date he retired, except that the Management relied throughout on poor service record based on the uncommunicated adverse entries that they could not have done, as already held. In our opinion, therefore, the impugned order passed by the Joint Director of Education, declining Mishra's case for promotion, cannot be sustained. That part of the impugned order passed by the Joint Director of Education too has to be quashed.

71. The question that survives is that what relief can be extended to Mishra in the matter of promotion. He has retired from service on 31.03.2024. Mishra's right to be considered for promotion crystallized way back on 01.07.2011, or so to speak during the aforesaid recruitment year. He was wrongfully denied promotion relying mostly on his service record, which we have held, could not have been done. Mishra, now being a retired employee, cannot be granted actual promotion. But, that does not deprive him of the opportunity to be considered for promotion and if found fit by the Selection Committee, bearing in mind the guidance in this judgment, granted notional promotion w.e.f. 01.07.2011. The Selection Committee would, therefore, proceed to consider Mishra's case for promotion ignoring the adverse entries and if found fit, he would be given notional promotion w.e.f. 01.07.2011 or such date as the Joint Director of Education may determine. Mishra, however, will not be entitled to salary for the promotion post of Lecturer, on whichever date he is granted the notional promotion because he did not actually work on that post till his retirement. He would be granted the status of a Lecturer, if found fit by the Selection Committee, as above directed, and shall be entitled to a suitable revision of his post retiral benefits, including pension, worked out on the basis of the Lecturer's grade. Of course, he would be entitled to arrears of pension and

other post retiral benefits on account of the revision, but nothing by way of salary arrears or other in-service benefits.

72. In the view that we take regarding denial of salary for the promotion post to Mishra in the event he is found fit, we are fortified by **S.D. Raghunandan Singh v. State of Karnataka and others, 1994 Supp (2) SCC 526; State of Haryana and others v. O.P. Gupta and others, (1996) 7 SCC 533; V.N. Meenakshi v. Union of India and others, 1999 SCC (L&S) 669; A.K. Soumini v. State Bank of Travancore and another, (2003) 7 SCC 238; Union of India v. B.M. Jha, (2007) 11 SCC 632; and, Abhijit Ghosh Dastidar v. Union of India and others, (2009) 16 SCC 146.** In some of the above authorities the principle has been laid down whereas in others, the principle has been regarded as settled and directions for the grant of notional promotion alone given, where the employees had not worked on the promotion post on account of retirement or any other reason.

73. Now, so far as Writ-A No.19042 of 2022 is concerned, the thrust of Mishra's challenge is to the promotion of Surendra Kumar Bharti, Assistant Teacher, as a Lecturer *vide* order dated 30.08.2022 passed by the Joint Director of Education, Basti Region, Basti. The other relief claimed is a *mandamus* directing the respondents to promote Mishra to the post of Lecturer (Sanskrit) in the institution maintained by the Management. Mishra has admittedly retired from service on 31.03.2024. Therefore, he has no right, in the changed circumstances, to seek quashing of Surendra Kumar Bharti's promotion as a Lecturer with the institution. So far as his claim for a direction to promote him to the post of Lecturer in the said institution is concerned, we have already held that he is entitled to limited relief by way of a consideration for the grant of notional promotion, may be from a much earlier date, in accordance with rules. No orders are,

therefore, required to be made in this petition, which deserves to be consigned to record.

74. Likewise, Writ-A No.42077 of 2016 seeks no more than a relief for the issue of a *mandamus* directing the DIOS to consider Mishra's representation dated 11.01.2016. That representation, annexed as Annexure No.1 to the writ petition, is about the grant of selection grade. We have already held Mishra entitled to that relief by our orders made during the course of this judgment in Writ-A No.62515 of 2017. Therefore, no orders are required to be made in this petition, which is fit to be consigned to record. We, accordingly, proceed to decide the four writ petitions in terms of the following order:

*A. Writ-A No.5197 of 2024 preferred by the Management shall stand **dismissed with costs of Rs.50,000/-**, payable by the Management to Mishra. The costs shall be paid to Mishra in account within a period of one month of receipt of this judgment by the Manager of the institution. In the event, the costs, as above directed, are not paid, it will be open to Mishra to move an application before the Registrar General, who will cause the costs to be recovered as arrears of land revenue from the Management through the District Magistrate, Basti and credited to Mishra's bank account.*

*B. Writ-A No.62515 of 2017 stands **allowed**. The impugned order dated 12.10.2017 passed by the Joint Director of Education, Basti Region, Basti is hereby **quashed**. A mandamus is issued to the Management, the DIOS and the Joint Director of Education, Basti Region, Basti to ensure amongst themselves grant of selection grade to Mishra w.e.f. 19.01.2015, revise his emoluments and post retiral benefits accordingly, after doing a re-fixation for him and pay all arrears together with 6% simple interest within a period of **three months** from the date of receipt of this order by either of these three respondents. A mandamus is further issued to the Joint Director of Education, Basti Region, Basti to consider Mishra's case for promotion to the post of Lecturer on a notional basis by placing the same before the statutory Selection Committee*

*within a month of receipt of this order. In case Mishra is found fit to be promoted by the Committee, he would be entitled to promotion to the Lecturer's grade on a notional basis w.e.f. 01.07.2011 or as soon thereafter as may be, but no emoluments for the promotion post shall be payable to him. He would be shown in the records notionally promoted as a Lecturer and entitled to a revision of his post retiral benefits, including pension, arrears whereof alone reckoned from the date of his superannuation shall be payable to him. In the event Mishra is found fit to be promoted, he will be sanctioned and paid his due and revised post retiral benefits together with arrears within a period of **three months** of the date of receipt of a copy of this order by the respondents. There shall be no order as to costs.*

*C. Writ-A No.42077 of 2016 and Writ-A No.19042 of 2022 are **consigned to record**. There shall be no order as to costs in both these writ petitions.*

75. Let a copy of this judgment be communicated to the Joint Director of Education, Basti Region, Basti, the District Inspector of Schools, Basti, the Manager and the Principal of Sri Shiv Mohar Nath Pandey Kisan Janta Inter College, Nagar Bazar, Basti by the Registrar (Compliance).

76. A copy of this order shall be placed before the Registrar General.

(J.J. Munir,J.)

February 02, 2026

Anoop