



2026:AHC-LKO:19934

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

WRIT - A No. - 2906 of 2026

Dharmendra Singh

.....Petitioner(s)

Versus

State Of U.P. Thru. Addl. Chief Secy./Prin. Secy.
Baisc Edu. Deptt. Lko. And 4 Others

.....Respondent(s)

Counsel for Petitioner(s)	: Prashant Kumar Singh, Avnish Kumar Singh
Counsel for Respondent(s)	: C.S.C.

Court No. - 18

HON'BLE SHREE PRAKASH SINGH, J.

Heard Mr. Avnish Kumar Singh, learned counsel for the petitioner and Mr. Ran Vijay Singh, learned counsel for the State.

Notice to the respondent no.5 is hereby dispensed with.

With the consent of the parties, the writ petition is being decided, at the admission stage itself.

By means of the present writ petition, the petitioner has assailed the order dated 12.7.2018, passed by the District Basic Education Officer, Bahraich, whereby the District Basic Education Officer has declined to accord financial concurrence to the appointment of the petitioner.

Submission of the learned counsel for the petitioner is that the petitioner was appointed against the substantive vacancy and after selection was made, the Committee of Management sent the resolution along with the documents to the District Basic Education Officer for its financial approval, which has been rejected. He added that the Committee of Management has wrongly referred the matter to the District Basic Education Officer and the same should have been sent to the District Inspector of Schools, as the same is the competent authority, so as to take decision for the financial concurrence and in this regard, he has placed reliance on Judgment and order of the Division Bench of this Court, rendered in the case of **Smt. Manju Awasthi and others Vs. State of U.P. and others**, reported in [2013 (3) ADJ 64 (DB)],

and has referred para 77, which is extracted as under:-

"77. We are of the view that the Government Order dated 24.11.2011 can be supported only to the extent of payment of salary of teachers at the Junior High School level and ancillary power thereunder. However, the Basic Shiksha Adhikari cannot exercise any administrative control over the institution except to the extent of payment of salary nor can make any appointment in view of the applicability of 1921 and 1982 Acts. The judgment of Hon'ble Single Judge in Committee of Management Beni Singh Vaidic Vidyawati Inter College, Baluganj, Agra (supra) to that extent cannot be approved. It is relevant to note that against the judgment of Hon'ble Single Judge dated 7.9.2005 in Committee of Management Beni Singh Vaidic Vidyawati Inter College, Baluganj, Agra (supra) special appeal No. 1419 of 2005, Agam Prakash Deepak v. State of U.P. was filed, which appeal was also dismissed on 29.11.2005."

Referring the aforesaid, he submits that the case of the petitioner is squarely covered with the ratio of the aforesaid Judgment. Therefore, submission is that the order passed by the District Basic Education Officer is without jurisdiction and the same may be quashed and the Committee of Management may be directed to send the proposal, to the appropriate authority, to take decision in the matter.

On the other hand, Mr Ran Vijay Singh, learned counsel for the State, has failed to refute the aforesaid legal position.

Upon considering the submissions of the learned counsel for the parties and after perusal of the record, it transpires that the resolution of the Committee of Management for appointment of petitioner in a Junior High School has been sent to the District Basic Education Officer for financial concurrence though the District Basic Education Officer is not the appropriate authority to entertain such resolution of appointment for according approval. Further the law is settled on this issue is that so far as any appointment of the teacher in Junior High School is concerned, the District Inspector of Schools is competent authority to accord financial concurrence, in case, the Junior High School is upgraded upto the intermediate college. This Court is also aware of the Judgment and order passed in the case of Smt. Manju Awasthi (**supra**).

Consequently, this Court finds that the order impugned herein dated

12.7.2018 is erroneous and against the settled proposition of law, therefore, the same is quashed.

The matter is remitted back to the Committee of Management concerned, with a direction to send the resolution along with the record to the District Inspector of Schools concerned, within a period of two weeks and the District Inspector of Schools is directed to take decision thereon, within further period of four weeks.

The writ petition is **allowed** accordingly.

(Shree Prakash Singh,J.)

March 18, 2026

Ram Murti