

(2001) 12 AHC CK 0013
In the Allahabad High Court
Case No : C.M.W.P. No. 37093 of 2001

Poonam Devi and Others

APPELLANT

Vs

State of U.P. and Another

RESPONDENT

Date of Decision : 06-12-2001

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2002) 1 AWC 412 : (2002) 92 FLR 855 : (2002) 1 UPLBEC 666

Hon'ble Judges : Anjani Kumar, J

Bench : Single Bench

Advocate : Bijendra Kumar Mishra, for the Appellant;

Final Decision : Allowed

Judgement

Anjani Kumar, J.—Heard learned counsel for the parties.

2. By means of this writ petition under Article 226 of the Constitution of India, the petitioners, who have passed their Diploma in Education from Madhyamik Shiksha Mandal, Madhya Pradesh, Bhopal, have challenged the advertisement issued by the respondents whereby the respondents have invited applications for the appointment of the teachers in the rural area of primary school of the State of U. P., particularly under the district of Sonbhadra in the institution run and managed by Basic Shiksha Parishad. The advertisement classifies that only such persons can apply who have passed their B.T.C. degree from an institution under the district of Sonbhadra itself. The petitioners alleged that due to this restriction, their application forms are not being entertained.

3. The petitioners relied upon a decision of this Court in the case of Upendra Rai Vs. State of Uttar Pradesh and others, wherein this Court has held that such a condition is ultra vires. The aforesaid Division Bench decision has been followed by another Division Bench in Special Appeal No. 478 of 1998, Anil Kumar Dubey v. State of U. P. and Anr., decided on 26.4.2001.

4. In view of the aforesaid two Division Bench decision, this writ petition

deserves to be allowed. The condition impugned in the present writ petition is quashed. The respondents are directed to consider the petitioners' application forms for appointment and shall not reject the said application forms on the ground that the petitioners have passed their Diploma in Education from Madhyamik Shiksha Mandal, Madhya Pradesh, Bhopal.

5. In view of what has been stated above, this writ petition deserves to be allowed and is hereby allowed. The direction as stated above are issued.