

Court No. - 36

Case :- WRIT - A No. - 2848 of 2022

Petitioner :- Rajesh Kumar And 2 Others

Respondent :- State Of U.P. And 3 Others

Counsel for Petitioner :- Prabhakar Awasthi, Rohit Upadhyay

Counsel for Respondent :- C.S.C., Sanjay Kumar Singh

Hon'ble Rajiv Joshi, J.

Heard Sri Prabhakar Awasthi, learned counsel for the petitioners, learned Standing counsel for respondent nos. 1 and 2 and Sri Sanjay Kumar Singh, learned counsel for respondent no.3 and 4.

The present writ petition under Article 226 of the Constitution has been filed for quashing the impugned order dated 2.12.2021 passed by the Director of Education (Basic), U.P. Lucknow, whereby the representation filed by the petitioner challenging their demotion has been rejected.

Learned counsel for the petitioners submits that the judgment of Hon'ble Apex Court in U.P. Power Corporation Ltd. Vs. Rajesh Kumar & Ors decided on 27th April, 2012 has been diluted by the Hon'ble Apex Court in Jarnail Singh & Ors Vs. Lachhmi Narain Gupta & Ors vide order dated 26th September, 2018 whereby judgment was concluded that the State Government has to collect quantified data showing contrary to the nine Judge Bench in Indra Sawhney Vs. Union of India reported Supp (3) SCC217 has valid to this extent.

Learned Standing counsel has accepted notice on behalf of respondent nos. 1 and 2. Sri Sanjay Kumar Singh, Advocate has accepted notice on behalf of respondent nos. 3 and 4.

All the respondents are directed to file counter affidavit within six weeks. Rejoinder affidavit, if any, may be filed within two weeks thereafter.

List immediately after two months as fresh.

Order Date :- 8.3.2022

Akbar