



2026:AHC:55848

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - A No. - 4135 of 2025

Dr. Shrish Kumar Singh

.....Petitioner(s)

Versus

State Of U.P. And 3 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Naman Agarwal, Nipun Singh
Counsel for Respondent(s)	:	Arvind Kumar Upadhyay, C.S.C.

Court No. - 32

HON'BLE SAURABH SHYAM SHAMSHERY, J.

1. Heard Sri Nipun Singh, learned Senior Advocate assisted by Sri Naman Agrawal, learned counsel for petitioner and Sri R.K. Ojha, learned Senior Advocate assisted by Sri A.K. Upadhyay, learned counsel for respondents.

2. Respondent-4 was successful in a recruitment process for appointment of Principal of different Graduate/Post Graduate Colleges affiliated to State University and he has given first preference of a college viz. Tilakdhari Post Graduate College, Jaunpur, however, he was not given appointment as Principal of said college rather he was given appointment in another college and said respondent has approached this Court by way of filing writ petitions.

3. During pendency of said writ petitions, Principal of said college has resigned, therefore, he approached this Court by way of filing Writ A No. 20475 of 2024 that he may be appointed as Principal of said college. Said writ petition was disposed of vide order dated 23.01.2025 with certain directions and for reference, said order is quoted below :-

"1. Heard Sri R.K. Ojha, learned Senior Counsel assisted by Sri Arvind Kumar Upadhyay, learned counsel for petitioner and Sri Shailendra Singh, learned Standing Counsel for State.

2. The petitioner before this Court is responsible to put himself in a legal web.

3. *The petitioner has successful in a recruitment process for appointment of Principal of Degree College/Post Graduate College officiated to different colleges of State University.*

4. *It is not under dispute that petitioner has given preference of five colleges, wherein Tilakdhari Post Graduate College, Jaunpur was his first preference, however, due to position in merit, he was not allotted the college mentioned in preference list and instead he was given appointment as Principal at Indira Gandhi Mahavidayala, Gauriganj, Sultanpur.*

5. *Undisputedly, petitioner has not joined at said college and he approached this Court by filing Writ Petition bearing No.12273 of 2022 as well as Writ Petition bearing No.17009 of 2024, wherein he has prayed that his appointment be made at Tilakdhari Post Graduate College, Jaunpur as well as appointment of Principal at that college was not legal.*

6. *During pendency of both above referred writ petitions, the concerned respondent who was appointed as Principal of Tilakdhari Post Graduate College, Jaunpur has resigned and his resignation was accepted on 04.10.2024. Accordingly, both writ petitions were disposed of that case of petitioner for appointment at Tilakdhari Post Graduate College, Jaunpur be considered.*

7. *Learned Senior Counsel for petitioner submits that in aforesaid circumstances, petitioner filed a detailed representation which was decided by an order dated 05.12.2024 and prayer made to appoint the petitioner at above referred college (Tilakdhari Post Graduate College, Jaunpur) was rejected on a ground that since petitioner has not joined at earlier allotted college (Indira Gandhi Mahavidayala, Gauriganj, Sultanpur), his appointment was cancelled and later on someone else has been appointed at Indira Gandhi Mahavidayala, Gauriganj, Sultanpur.*

8. *According to learned Senior Counsel for petitioner, post of Principal at college Tilakdhari Post Graduate College, Jaunpur is still vacant as well a that appointment is cancelled only at allotted*

college at Indira Gandhi Mahavidayala, Gauriganj, Sultanpur and till date his selection as a Principal still exist.

9. Learned Senior Counsel further submits that petitioner can still be considered at Tilakdhari Post Graduate College, Jaunpur, since no one has been appointed and no one else has claimed.

10. Learned Standing Counsel for State refers Section 14 of U.P. Higher Education Commission Act, 1980, that appointment of petitioner can be cancelled by Management of college, however, the contents of it does not support the submission as it only provides that in case, a Principal does not join at the appointed place within stipulated period, the Director can send another name to join as a Principal at that place.

11. In the aforesaid circumstances, the Court is of considered opinion that cancellation of appointment of petitioner by Management could be treated only that his appointment at college at Indira Gandhi Mahavidayala, Gauriganj, Sultanpur is being cancelled but it cannot be extended to the extent that his selection is being cancelled. The Court takes note that appointment in different colleges is still under way and according to averments, the post of Principal at Tilakdhari Post Graduate College, Jaunpur is still vacant, the case of petitioner can be considered for appointment at that college, if no other selected Principal has claimed prior to it.

12. In the aforesaid circumstances, this writ petition is disposed of with an observation that claim of petitioner be considered as fresh, taking note of above referred observations and if there is no legal impediment, the petitioner be appointed as Principal of Tilakdhari Post Graduate College, Jaunpur.

13. Registrar (Compliance) to take steps. "

4. In pursuance of above order, respondent-4 was allowed to join said college as Principal.

5. Petitioner before this Court is aggrieved by said appointment on a ground that being a senior most teacher, petitioner would be entitled to become Officiating Principal if allotment/appointment of respondent-4 is set aside.

6. Learned Senior Advocate for petitioner further submits that once said respondent has failed to join at the college concerned, he cannot claim his appointment on said post of any other college and learned counsel has referred judgments of Coordinate Benches of this Court in **Yudhveer Singh vs. State of U.P. and others, 2025:AHC:25188** (Single Bench) ; **Km. Ragini Srivastava vs. State of U.P. and others, 1997 SCC Online All 1105** and **Dr. Manoj Kumar Rawat vs. State of U.P. and others, 2025:AHC:71491-DB**.

7. Per contra, learned counsel for respondent-4 has supported the impugned order and submits that said respondent was before this Court and a direction passed by this Court on 23.01.2025 which remained unchallenged as well as petitioner cannot claim his indefeasible right for appointment on post of Officiating Principal ignoring that said respondent was duly selected from Commission and appointed as Principal of concerned college after intervention of this Court.

8. I have considered above submissions and perused the records.

9. Facts of present case are distinguishable from the facts of **Yudhveer Singh, Km. Ragini Srivastava and Dr. Manoj Kumar Rawat (supras)**.

10. In present case, respondent-4 has approached this Court earlier by way of filing various writ petitions, therefore, it is not a case that respondent was waiting that a vacancy may arise rather he has substantially challenged the appointment of earlier Principal as well as that once said Principal has resigned, he immediately agitated his right.

11. In above background, Court takes note of above referred order dated 23.01.2025 wherein this Court has held that even respondent's appointment at Indira Gandhi Mahavidyalaya, Gauriganj, Sultanpur was cancelled but it cannot be considered that his selection as a Principal was cancelled.

12. Petitioner may have a legitimate expectation of becoming Officiating Principal but it could not be at the cost of respondent-4 who was duly selected and after intervention of this Court, he was appointed at concerned college i.e. Tilakdhari PG College.

13. Accordingly, writ petition lacks merit, hence, it is **dismissed**.

(Saurabh Shyam Shamshery,J.)

March 18, 2026

N. Sinha