

Court No. - 21

Case :- SPECIAL APPEAL DEFECTIVE No. - 435 of 2025

Appellant :- State Of Up And 3 Others

Respondent :- Abha Rani And 4 Others

Counsel for Appellant :- Abhishek Srivastava,Ratan Deep Mishra

Counsel for Respondent :- Siddharth Khare

Hon'ble Manoj Kumar Gupta,J.

Hon'ble Ram Manohar Narayan Mishra,J.

1. Sri Anoop Trivedi, learned Additional Advocate General assisted by Sri Ratandeeep Mishra appearing for the appellants contends that the order of learned Single Judge has flavour of a final order as a positive direction has been issued to the State to pay salary to the petitioners on month to month basis and therefore the instant appeal would be maintainable. He submits that initially when the advertisement was issued in Dainik Jagaran, the Basic Siksha Adhikari raised objection regarding the advertisement and directed that fresh advertisement be issued. According to him, the District Basic Education Officer has no knowledge of any selection process having been held thereafter. The documents relating to the selection of the writ petitioners were never communicated to his office and therefore no approval was granted nor any question of deemed approval could arise. It is urged that specific plea in this behalf has been taken in the counter affidavit.

2. Sri Ashok Khare, learned senior counsel assisted by Sri Aditendra Singh appearing for the writ petitioners prays for a week's time to place on record relevant material to demonstrate that it would be a case of deemed approval.

3. Case is adjourned to 24.7.2025 as fresh.

4. Sri Ashok Khare, learned senior counsel states that the petitioner would not press the contempt application in the meantime.

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(R.M.N. Mishra, J.) (Manoj Kumar Gupta, J.)

Order Date :- 16.7.2025

Dhirendra/