

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGSPETITION(S) FOR SPECIAL LEAVE TO APPEAL (C) NO(S). 15001/2026[ARISING OUT OF IMPUGNED FINAL JUDGMENT AND ORDER DATED 13-01-2026
IN SA NO. 32/2026 PASSED BY THE HIGH COURT OF JUDICATURE AT
ALLAHABAD]

KUSUM ARYA

PETITIONER(S)

VERSUS

STATE OF U.P. & ORS.

RESPONDENT(S)

FOR ADMISSION

(IA No. 127336/2026 - EXEMPTION FROM FILING O.T.)

Date : 05-05-2026 This matter was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE UJJAL BHUYAN
HON'BLE MR. JUSTICE N.V. ANJARIAFor Petitioner(s): Mr. T. N. Singh, AOR
Ms. Rajshree Singh, Adv.
Mr. Kumar Gaurav, Adv.

For Respondent(s):

UPON hearing the counsel the Court made the following
O R D E R

1. We have heard learned counsel for the petitioner.
2. Application seeking exemption from filing official translation is allowed.
3. The petitioner approached the High Court of Judicature of Allahabad, Uttar Pradesh (High Court) with two grievances. The first grievance was with regard to the appointment of Respondent Nos.8 to 11 as Assistant Teacher (Primary Section) attached to Intermediate College on the ground that the said respondents did not possess the eligibility qualification. The second grievance of the petitioner is that the same respondents have been promoted

to the post of Assistant Teacher (LT Grade), though they did not have the eligibility criteria of TET pass, which the petitioner possess.

4. While the High Court declined to interfere qua the first grievance on the ground of delay, insofar the second grievance is concerned, the High Court observed that Respondent Nos.8 to 11 may not possess the essential qualification of TET pass.

5. The challenge has been made by the petitioner without delay. However, notwithstanding such observation, the High Court relegated the petitioner to the forum of Director of Education (Respondent No.2) to canvas his grievance *viz-a-viz* Respondent Nos.8 to 11, who was thereafter directed to pass a reasoned and speaking order within two months.

6. Prima facie, we are of the view that once the High Court came to the conclusion that challenge to the promotion of Respondent Nos.8 to 11 by the petitioner was without delay and prima facie had merit, the High Court ought to have examined this challenge of the petitioner, instead of relegating the petitioner before Respondent No.2.

7. Issue notice, returnable on 28.07.2026. Learned counsel for the petitioner is permitted to serve the Standing counsel for the respondent-State.

(ABHINAV KUMAR)
COURT MASTER (SH)

(CHETNA BALOONI)
COURT MASTER (NSH)