

## **Chief Justice's Court**

**Case :-** WRIT - A No. - 8274 of 2023

**Petitioner :-** Faruk Ahamad Shekh And 30 Others

**Respondent :-** Union Of India And 15 Others

**Counsel for Petitioner :-** Siddharth Khare, Sr. Advocate

**Counsel for Respondent :-** A.S.G.I., Ashok Kumar Singh, C.S.C., Manu Singh

**Hon'ble Pritinker Diwaker, Chief Justice**

**Hon'ble Saumitra Dayal Singh, J.**

1. Heard learned counsel for the parties.

2. Challenge has been raised to the Government Order dated 20.04.2023 issued by the State Government, as also the Circular Letter dated 25.04.2023 issued by the State Project Director (Samagra Shiksha), Lucknow, insofar as it provides for disengagement/non-continuance of engagement of Accountants working in different Kasturba Gandhi Balika Vidyalay.

3. It is the case of the petitioners that they have been working on the post of Accountant at various Kasturba Gandhi Balika Vidyalay, established in every Block of each District of the State, for not less than 10 years. Their engagement has been contractual but continuing for such long duration of time. In that background, it has been further submitted, the circular issued by the State Government is in compliance of earlier circular issued by the Central Government dated 12.10.2022. It only provides that Warden/in-charge teachers/resident teachers and all other staff/workers working in or looking after a girls hostel, should belong to female gender only. Thus, the present petitioners who are male, by gender, and are working as Accountant i.e.

on posts not specified by the Central Government, would continue to be entitled to work as before i.e. on contractual basis.

4. Here, it has been vehemently urged that the petitioners have been working for more than 10 years against successive extension of their contracts, granted by the State Government, on yearly basis. Their last extension of contract had come to an end on 28.02.2023. All petitioners have been recommended for extension of their individual contracts. Those proceedings are pending. As is the practice with the State Government, such contracts are normally renewed in the month of June, each year. Yet, it has been specifically asserted, the petitioners are continuing to work.

5. In that context, it has been submitted, the State Government has completely misread the Circular issued by the Central Government. If allowed to stand, the same would fall foul with the rule of equality and would be wholly arbitrary and discriminatory as it bears no nexus to the object sought to be achieved i.e. safety of the girl students. The Accountants being office staff do not offer any risk to the safety and security of the girls students studying and residing at the schools in question. They have limited i.e. very less interaction with girl students, that too only during school hours. Sri Ashok Khare, learned Senior Counsel for the petitioner would further submit, none of the petitioners carries any criminal history as may disentitle any petitioner to continue their engagement as Accountant.

5. Matter requires consideration.

6. All respondents are represented. They pray for and are granted four weeks' time to file counter affidavit. Petitioners shall have two weeks thereafter to file rejoinder thereto.

7. List this matter in the week commencing 03.07.2023.

8. Till the next date of listing, operation and effect of the Government Order dated 20.04.2023 and the consequential Circular dated 25.04.2023 issued by the State Project Director (Samagra Shiksha), Lucknow, insofar as it seeks to exclude continuance of contractual engagement of the petitioners on the post of Accountant, shall remain stayed.

**Order Date :- 12.5.2023**  
SA

(S.D. Singh, J.)

(Pritinker Diwaker, CJ)