HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW

WRIT - A No. - 12324 of 2026

Mahe Noorie Naz

.....Petitioner(s)

Versus

State Of U.P. Thru. Prin. Secy. Secondary Education Lko. And 4 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Waseeq Uddin Ahmed, Areeb Uddin Ahmed
Counsel for Respondent(s)	:	C.S.C., Abhineet Jaiswal

connected with

WRIT - A No. - 12205 of 2026

Saroj Kumar Dwivedi

.....Petitioner(s)

Versus

State Of U.P. Thru. Prin. Secy. Secondary Education Lko And 3 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Sanjay Misra
Counsel for Respondent(s)	:	C.S.C., Abhineet Jaiswal

connected with

WRIT - A No. - 12337 of 2026

Dr Praveen Kumar Dwivedi

.....Petitioner(s)

Versus

State Of U.P. Thru. Prin. Secy. Secondary Edu. Lko And 3 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Sanjay Misra
Counsel for Respondent(s)	:	C.S.C., Ashish Mishra

Court No. - 7

HON'BLE SAURABH LAVANIA, J.

1. Heard Sri Waseeq Uddin Ahmed, Advocate & Sri Sanjay Mishra,

Advocate, who appeared for the petitioner(s) namely Mahe Noorie Naz, Saroj Kumar Dwivedi & Dr. Praveen Kumar Dwivedi, and Sri Pradeep Kumar Singh, the learned State counsel, who appeared for the State-respondents, and also Sri Abhineet Jaiswal, Advocate, who appeared for U.P. Education Services Selection Commission, Prayagraj (hereinafter referred to as "Commission") as well as Sri Ashish Mishra, Advocate, who has filed Vakalatnama on behalf of Commission in WRIT- A No. 12337 of 2026, which is taken on record.

2. Notice(s) to the opposite party No(s). 4/Committee of Management concerned are hereby dispensed with.

3. Let an affidavit in response to the instant petitions be filed by the learned State counsel and also by the learned counsel for the Commission within a period of two weeks.

4. List/put up these cases immediately after expiry of aforesaid period within top 30 cases showing the name of Sri Ashish Mishra, Advocate, in the cause list, if already not shown, in WRIT- A No. 12337 of 2026, as counsel for the opposite party/Commission.

5. As an interim measure, the petitioners in all above indicated petitions namely Mahe Noorie Naz, Saroj Kumar Dwivedi & Dr. Praveen Kumar Dwivedi are hereby permitted to apply for the post of 'Principal'.

6. The aforesaid permission has been given after considering the submissions advanced by the learned counsel for the parties present before the Court and also taking note of various aspects including the following:-

(i) B.Ed. qualification was introduced by way of amendment in terms of the Intermediate Education Act, 1921 (in short "Act of 1921") vide Notification dated 03.09.2026.

(ii) For acquiring B.Ed. Degree, no reasonable time has been provided in the Statute.

(iii) In similar circumstances in the Statute namely Right of Children to Free and Compulsory Education Act, 2009 (in short "Act of 2009"), the time for acquiring 'TET Certificate' was provided, which is apparent from Section 23 of the Act of 2009. Section 23 of the Act of 2009 reads as under:-

> *"**23. Qualifications for appointment and terms and conditions of service of teachers.—***
>
> *(1) Any person possessing such minimum qualifications, as laid down by an academic authority, authorised by the Central Government, by notification, shall be eligible for appointment as a teacher.*
>
> *(2) Where a State does not have adequate institutions offering courses or training in teacher education, or teachers possessing minimum qualifications as laid down under sub-section (1) are not available in sufficient numbers, the Central Government may, if it deems necessary, by notification, relax the minimum qualifications required for appointment as a teacher, for such period, not exceeding five years, as may be*

specified in that notification:

Provided that a teacher who, at the commencement of this Act, does not possess minimum qualifications as laid down under sub-section (1), shall acquire such minimum qualifications within a period of five years:

Provided further that every teacher appointed or in position as on the 31st March, 2015, who does not possess minimum qualifications as laid down under sub-section (1), shall acquire such minimum qualifications within a period of four years from the date of commencement of the Right of Children to Free and Compulsory Education (Amendment) Act, 2017 (24 of 2017).

(3) The salary and allowances payable to, and the terms and conditions of service of, teachers shall be such as may be prescribed.

(emphasis ours)"

(iv) The petitioners namely Mahe Noorie Naz, Saroj Kumar Dwivedi & Dr. Praveen Kumar Dwivedi were appointed on the post of Lecturers in the year 2009, 1990 and 2004, respectively.

7. For the aforesaid, this Court also considered the judgment passed by the Hon'ble Apex Court in the case of ***State of U.P. vs. Anjuman Ishaat-E-Taleem Trust And Others, 2026 SCC OnLine SC 998.***

(Saurabh Lavania,J.)

November 20, 2026
Arun/-

Digitally signed by :-
ARUN KUMAR GANGWAR
High Court of Judicature at Allahabad,
Lucknow Bench