

Court No. - 8

Case :- WRIT - C No. - 4395 of 2025

Petitioner :- Abhishek And 3 Others

Respondent :- State Of U.P. Thru. Prin. Secy. Deptt. Of Higher Education, Lko. And 3 Others

Counsel for Petitioner :- Aakash Prasad, Amitav Singh

Counsel for Respondent :- C.S.C., Gyanendra Kumar Srivastava

Hon'ble Jaspreet Singh, J.

Heard Shri Jaideep Narain Mathur, learned Senior Counsel along with Shri Aakash Prasad, Shri Amitav Singh, Shri Rohit Jain, Ms. Shabiesta Nabi, Shri Yash Toshi and Shri Aslam Ahmad, learned counsel for the petitioners. Notice on behalf of the respondents No.1 and 3 has been accepted by the office of Chief Standing Counsel. Shri Gyanendra Kumar Srivastava, learned counsel has accepted notice for the respondent No.2.

The petitioners No.1 and 2 have obtained their Bachelors Degree in Physiotherapy and are of the Batch of 2018-2022 and Batch of 2017-2021 respectively, whereas the petitioners No.3 and 4 have obtained their Bachelors Degree in Science (Medical Laboratory Technology) of the Batch of 2018-2021 and Batch of 2020-2023 respectively.

It is urged that the aforesaid Degrees were conferred by the Sanskriti University, which was created under the Sanskriti University, Chhata, Mathura, Uttar Pradesh Act, 2016 (for short, 'the Act of 2016'). Later, upon the promulgation of U.P. Private University Act, 2019 (for short, 'the Act of 2019'), the respondent No. 4 University was incorporated in the said Act as shall be evident from the Scheduled which is appended with the Act of 2019 which includes the name of the respondent No.4 University at S.No.26 of the said Schedule.

It is urged that the petitioners in order to be gainfully employed in the State of Uttar Pradesh, is allegedly required to obtain a no objection from the State after obtaining the recommendations of the respondent No.2. It is also urged that this exercise of powers find source in a Government Order dated 14.10.2005.

The submission is that from a perusal of the said Government Order dated 14.10.2005, it clearly differentiates between an Institution and a University. Though the said Government Order dated 14.10.2005 can be made applicable on an Institution but it cannot be applied on a University which is created under a

Statute.

It is further submitted that even in the University Grants Commission Act, 1956 (for short, 'the Act of 1956'), there is a clear distinction between a University and an Institution and it shall be evident from the word 'University' as defined in the Act of 1956.

It is in this backdrop, it is urged that the petitioners have been deprived of an opportunity of work in the State of U.P., primarily on the basis of the Government Order dated 14.10.2005 which primarily is applicable on an Institution and not on a University and the petitioners, who have a degrees from a statutory University cannot be discriminated from being offered a job and treating the petitioners to be ineligible to work in the State is per se arbitrary and also the Government Order dated 14.10.2005 is being misconstrued.

The matter requires consideration.

Let notice be issued to the respondent No.4 returnable at an early date. Learned counsel for the petitioners shall take steps within a week from today.

Let a reply/counter affidavit be filed by both the respondent No.2 as well as the State within two weeks with an advance copy to the learned counsel for the petitioners, who may if so choose, may file their response within a period of two weeks thereafter.

List this matter again on 07.07.2025.

Order Date :- 7.5.2025

Rakesh/-