2025:AHC-LKO:62593-DB

HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW

Reserved on September 9, 2025

Delivered on October 10, 2025

A.F.R.

SPECIAL APPEAL NO.-192 of 2025

Shashank Sachan .....Appellant(s)

Versus

State of U.P. Thru. Prin. Secy. Basic Education Lko and 3 Others .....Respondents(s)

Counsel for Appellant(s) : Pawan Kumar Pandey, Sharad Pathak
Counsel for Respondent(s) : C.S.C., Ran Vijay Singh, Sarvesh Kumar Dubey

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with

SPECIAL APPEAL NO.-193 of 2025

Awadhesh Kumar Bharti .....Appellant(s)

Versus

State of U.P. Thru. Prin. Secy. Basic Education Lko. and 3 Others .....Respondents(s)

Counsel for Appellant(s) : Pawan Kumar Pandey, Sharad Pathak

Counsel for Respondent(s)	:	C.S.C., Ran Vijay Singh, Sarvesh Kumar Dubey

with

SPECIAL APPEAL NO.-194 of 2025

Swapnesh Prakash Manglam ……Appellant(s)

Versus

State of U.P. Thru. Prin. Secy. Basic Education and 3 Others ……Respondents(s)

Counsel for Appellant(s)	:	Pawan Kumar Pandey, Sharad Pathak
Counsel for Respondent(s)	:	C.S.C., Ran Vijay Singh, Sarvesh Kumar Dubey

with

SPECIAL APPEAL NO.-195 of 2025

Manoj Kumar Singh ……Appellant(s)

Versus

State of U.P. Thru. Prin. Secy. Basic Education Lko and 3 Others ……Respondents(s)

Counsel for Appellant(s)	:	Pawan Kumar Pandey,
Counsel for Respondent(s)	:	C.S.C., Ran Vijay Singh, Sarvesh Kumar Dubey

with

SPECIAL APPEAL NO.-196 of 2025

Arya Kumar Dixit ……Appellant(s)

Versus

State of U.P. Thru. …..Respondents(s)
Prin. Secy. Basic
Education Lko and 3
Others

Counsel for Appellant(s) : Pawan Kumar Pandey
Counsel for Respondent(s) : C.S.C., Rishabh Tripathi, Sarvesh Kumar Dubey

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with

SPECIAL APPEAL NO.-197 of 2025

Rakesh Kumar Shukla …..Appellant(s)

Versus

State of U.P. Thru. …..Respondents(s)
Prin. Secy. Basic
Education Lko and 3
Others

Counsel for Appellant(s) : Pawan Kumar Pandey, Sharad Pathak
Counsel for Respondent(s) : C.S.C., Prashant Kumar Singh, Shobhit Mohan Shukla

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with

SPECIAL APPEAL NO.-198 of 2025

Aniruddha Singh …..Appellant(s)

Versus

State of U.P. Thru. …..Respondents(s)
Prin. Secy. Basic
Education Lko and 3
Others

Counsel for Appellant(s) : Pawan Kumar Pandey
Counsel for Respondent(s) : C.S.C., Ran Vijay Singh, Sarvesh Kumar Dubey

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with

SPECIAL APPEAL NO.-199 of 2025

Mohit Deo Tripathi .....Appellant(s)

Versus

State of U.P. Thru. Prin. Secy. Basic Education Lko and 3 Others .....Respondents(s)

Counsel for Appellant(s)	:	Pawan Kumar Pandey, Sharad Pathak
Counsel for Respondent(s)	:	C.S.C., Rishabh Tripathi, Sarvesh Kumar Dubey

with

SPECIAL APPEAL NO.-200 of 2025

Abhinav Pandey .....Appellant(s)

Versus

State of U.P. Thru. Prin. Secy. Basic Education Lko and 3 Others .....Respondents(s)

Counsel for Appellant(s)	:	Pawan Kumar Pandey
Counsel for Respondent(s)	:	C.S.C., Sarvesh Kumar Dubey, Shailendra Singh Rajawat

with

SPECIAL APPEAL NO.-201 of 2025

Gyanendra Singh .....Appellant(s)

Versus

State of U.P. Thru. Prin. Secy. Basic .....Respondents(s)

Education Lko and 3
Others

Counsel for Appellant(s)	:	Pawan Kumar Pandey
Counsel for Respondent(s)	:	C.S.C., Ran Vijay Singh, Sarvesh Kumar Dubey

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with

SPECIAL APPEAL NO.-202 of 2025

Satyendra Kumar Maurya ……Appellant(s)

Versus

State of U.P. Thru.
Prin. Secy. Basic
Education Lko and 3
Others ……Respondents(s)

Counsel for Appellant(s)	:	Pawan Kumar Pandey, Sharad Pathak
Counsel for Respondent(s)	:	C.S.C., Sarvesh Kumar Dubey, Shobhit Mohan Shukla

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with

SPECIAL APPEAL NO.-203 of 2025

Dr. Alok Kumar Pandey ……Appellant(s)

Versus

State of U.P. Thru.
Prin. Secy. Basic
Education Lko and 3
Others ……Respondents(s)

Counsel for Appellant(s)	:	Pawan Kumar Pandey, Sharad Pathak
Counsel for Respondent(s)	:	C.S.C., Ran Vijay Singh, Sarvesh Kumar Dubey

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with

SPECIAL APPEAL NO.-206 of 2025

Hari Govind Yadav .....Appellant(s)

Versus

State of U.P. Thru. Prin. Secy. Basic Education Lko and 3 Others .....Respondents(s)

Counsel for Appellant(s)	:	Pawan Kumar Pandey
Counsel for Respondent(s)	:	C.S.C., Sarvesh Kumar Dubey, Uday Veer Singh

with

SPECIAL APPEAL NO.-308 of 2025

Akhilesh Singh .....Appellant(s)

Versus

State of U.P. Thru. Prin. Secy. Basic Education Lko and 3 Others .....Respondents(s)

Counsel for Appellant(s)	:	Sanjay Kumar Singh
Counsel for Respondent(s)	:	C.S.C., Sarvesh Kumar Dubey

Court No. - 1

HON'BLE RAJAN ROY, J.
HON'BLE MANJIVE SHUKLA, J.

(Per: Rajan Roy, J.)

1. This is a bunch of special appeals challenging a common judgment and order dated 23.05.2025 passed in a bunch of writ petitions.

2. We have taken up Special Appeal No. 192 of 2025 (Shashank Sachan vs. State of U.P.) as the leading appeal which arises out of Writ A No.6157 of 2025 (Shashank Sachan vs. State of U.P.). The writ petitions filed by all the appellants herein have been dismissed by the learned Single Judge.

3. Facts of the case in brief are that all the appellants-petitioners were working as Assistant Teachers in Basic Schools when applications were invited for being considered for deputation under the Samagra Siksha Project of the 'U.P. Education for All Project Board' which is a society totally funded by the government, 60% funding is by the Government of India and 40% by the State of U.P. The appellants herein applied for the same. An online examination was held in which they were selected. They were accordingly posted on deputation on the post of District Coordinator (Community Mobilization). The task of these District Coordinators was to coordinate and monitor the teaching staff in a district. The District Basic Education officer of the concerned district happened to be the District Project Officer. One of the orders of deputation dated 19.03.2020 is annexed as Annexure No.6 (page No.59 of the paper book). The appellants were served an order of repatriation, in this case (Special Appeal No.192 of 2025) the order is dated 01.07.2024 which has been issued by the Director, Rajya Pariyojana Nidheshalya. Consequential orders were passed and it is these orders which were put to challenge by means of the above referred writ petitions which have been decided on 23.05.2025. During pendency of

the writ petitions, as informed, the relieving of the appellants-petitioners had been stayed.

4. The contention of the appellant's Counsel in nutshell was firstly that it was not a case of transfer by deputation but one of appointment/recruitment by deputation, but repatriation was made treating it to be a transfer by deputation thereby violating the law laid down by Hon'ble the Supreme Court in the case of ***Ashok Kumar Ratilal Patel vs. Union of India (2012) 7 SCC 757***; ***Union of India vs S.N. Maity (2015) 4 SCC 164***; judgment of the Rajasthan High Court reported in ***2016 Lab IC 2861 I.K. Mansoori (Dr.) vs. Union of India & Ors***; judgment of the Madhya Pradesh High Court reported in ***2015 SCC OnLine MP 4632 Nilesh Kumar Choubey vs. The State of Madhya Pradesh***.

5. It was also contended that while assessing the validity of the order impugned in the writ petition, the Writ Court could only see the reasons mentioned therein and it was not open for it to see other reasons put forth by the opposite parties to supplement the said reasons by any affidavit. It was also submitted that on such deputation the appellants acquired a position of status as they were required to monitor teaching work in various Basic Schools and to facilitate the same they had been provided a vehicle with a driver which had enhanced their status and now the repatriation takes back their enhanced status. The work and conduct of the appellants was satisfactory, therefore, they were entitled to continue especially as it was not a 'transfer by deputation' but

'appointment on deputation' and repatriation would result in loss of the status acquired by them on deputation.

6. Per contra, Shri Sanjay Bhasin, learned Senior Counsel appearing for the contesting opposite parties submitted that appellants have a misconception that it was not a transfer by deputation but appointment by deputation. The post of District Coordinator on which they were sent on deputation is a temporary post, in fact, all the posts in the scheme/project are temporary posts. The salary of the appellants even after deputation continued to be paid by their parent department i.e. the Basic Education Department and their lien also continued on their post in their parent department, facts which are mentioned in the order of deputation itself, therefore, merely because an online examination had been held it would not cloak the deputation as an appointment nor will it give any indefeasible right to continue under the project. The cases at hand are distinguishable on facts *vis-a-vis* those which existed in the decisions upon which the appellants Counsel has placed reliance including **Ashok Kumar Ratilal Patel (supra)** and **S.N. Maity (supra)**. There is no stigma attached with the order of repatriation. In the facts of this case the appellants on deputation did not have any indefeasible right to continue as such, nor to get it enforced through writ jurisdiction of the High Court. Certain government orders were issued according to which the minimum tenure of deputation of a government servant would be three years and and maximum would be five years. The appellants herein

had already completed more than four/five years, therefore, this is not a case for interference in an intra Court appeal.

7. He also submitted that a policy decision was taken by the Executive Committee of the "U.P. Sabhi Ke Liye Siksha Pariyojana Parishad" in its resolution (agenda item No.6 dated 19.07.2022) for making appointments on various temporary posts under the Pariyojana including the post of District Coordinator, by outsourcing, on honorarium of Rupees 40,000 per month with the required qualification of at least 60% marks in the Masters of Business Administration acquired from a recognized Institution/University or PGDM and Master in Management Studies. The maximum age limit was to be 21-45 and apart from it there were other requirements. This policy decision was approved by the State Government vide Government Order dated 29.08.2022. These decisions and government orders have not been challenged by the appellants. It was his submission that the requirements for the post in question have changed so have the qualifications and the board being a society with its own bylaws it cannot be compelled to continue with the appellants on deputation.

8. In response Shri Sharad Pathak, learned Counsel for the appellants submitted that the object and purpose for which the appellants were brought on deputation still continues and their repatriation defeats the said object. He invited our attention in this regard to the resolution dated 10.10.1990 which has been brought on record by supplementary affidavit filed on 09.09.2025, to drive home the point that there was a

particular object behind bringing the appellants-teachers on deputation to work as District Coordinators. It is nobody's case that the work has ceased or that the work and conduct of the appellants was not satisfactory. The policy being relied upon by the opposite parties as referred cannot be given retrospective effect, therefore, the contentions of Shri Bhasin have no legs to stand and appellants are entitled to continue on deputation especially as no tenure was prescribed in the letters by which they were appointed on deputation.

9. Having heard learned counsel for the parties and having perused the records, first and foremost, the 'Sarv Siksha Abhiyan' was put in motion in the year 2001-2002 by the Government of India in partnership with the State Governments with the aim to provide useful and relevant basic education to all children in the age bracket of 6 to 14 as is mentioned in the counter affidavit. It was an attempt to universalize and improve quality of education through decentralized and content specific planning in a time bound and process based manner. The 'Sarv Siksha Abhiyan'/ 'State Project of Education for All' is a society registered under the Societies Registration Act, 1860. It is designed to function as a social mission for achieving the objective of universalization of primary education. The activities of the Society are wholly funded by the Government as already stated. District Project offices have been set up under the society which are functional in all the districts of the State. District Basic Education officer of the concerned district is the District Project officer. Six posts of District Coordinator, one each for girls

education, community mobilization, training, M.I.S., integrated education and civil work have been created. These are all temporary posts. There are no permanent posts in the project/society. As there were difficulties being faced by the project, a decision was taken in 2019 to fill up the temporary post of District Coordinators by bringing Teachers/Assistant Teachers working in primary and junior basic schools run and managed by the Board of Basic Education U.P. on deputation i.e. from a homogeneous class of employees so as to avoid coordination between coordinators brought from different departments. Accordingly, applications were invited and online Computer based objective type tests were held. The appellants herein participated in it and were successful. They were accordingly taken on deputation to the said society. There are documents dated 30.12.2019 and 23.01.2020 annexed as Annexure No.3 and 4 to the paper book which have been issued by the Rajya Pariyojana Nideshak to all the District Basic Education Officers, U.P. asking them to encourage teachers to apply for such deputation. Both these letters refer to temporary posts which are to be filled by deputation and the letter dated the 23.01.2020 specifically refers to the temporary post of District Coordinator which are to be filled by deputation. Annexure No.5 of the paper book is the advertisement which also mentions that the posts are temporary. The document annexed with Annexure No.5 contains the required educational qualifications which was post graduation with minimum 55% marks from a recognized University/Institution, preference was to be given to those having a degree in Masters of Business Administration, M.Ed/Ph.D and had degree/diploma or

certificate in computers. The appointment letters issued to the appellants, one of which is annexed as Annexure No.6 to the appeal at hand is as under:-

"प्रेषक,
राज्य परियोजना निदेशक
समग्र शिक्षा, उत्तर प्रदेश,
लखनऊ।

सेवा में,
श्री शशांक सचान
पुत्र श्री देव करन सचान
सहायक अध्यापक,
कन्या प्राथमिक विद्यालय-गौहारी कबराई ब्लाक-गौहारी कबराई जनपद-भहोबा।
पत्रांकः अधि०/जि०स०-चयन/ 7281/2019-20 दिनांकः 19 मार्च, 2020

विषयः जिला समन्वयक के पद पर कार्यभार ग्रहण के सम्बन्ध में।

महोदय

उ०प्र० सभी के लिए शिक्षा परियोजना परिषद् के समग्र शिक्षा के अन्तर्गत दिनांक 27 जनवरी, 2020 को सम्पन्न ऑनलाइन परीक्षा के आधार पर आपको जिला परियोजना कार्यालय, जनपद-महोबा में जिला समन्वयक (सामुदायिक सहभागित्ता) के पद पर प्रतिनियुक्ति पर एतद्नुसार तैनात किया जाता है।

उक्तानुसार आप जिला समन्वयक (सामुदायिक सहभागिता) महोबा के पद पर कार्यभार ग्रहण करने हेतु अपने मूल विद्यालय से नियमानुसार कार्यमुक्त होकर संबंधित जिला बेसिक शिक्षा अधिकारी के समक्ष अपनी योगदान आख्या पत्र प्राप्ति के 10 दिन के अन्दर प्रस्तुत करें। उक्त पदस्थापन के प्रति संबंधित जिला समन्वयक का वेतन संबंधित के जनपद / मूल विद्यालय से ही आहरित किया जायेगा। उक्त के क्रम में अनुपालन आख्या राज्य पारयोजना कार्यालय को दिनांक 27 मार्च, 2020 तक अनिवार्यतः उपलब्ध करायी जाये। यदि उक्त अवधि तक आप द्वारा संबंधित जनपद में कार्यभार ग्रहण नहीं किया जाता है तो आपका चयन निरस्त कर दिया जायेगा। इस चयन के आधार पर कार्यभार ग्रहण करने के उपरान्त भी आपका धारणाधिकार (लियन) आपके मूल विभाग में बना रहेगा। "

10. On a bare reading of the said order, what comes out is firstly, it mentions about 'posting on deputation', of course, after selection. Secondly, it clearly mentions that after such posting, the salary/ pay of the District Coordinator (on deputation) would be drawn from the concerned district/ parent school, meaning thereby it would not be paid by the borrowing society but will continue to be paid by the parent department. Thirdly, the order clearly mentions that lien of the deputationist will continue to be maintained in the parent department. No

doubt it was a selection for deputation, but, against a temporary post, that too, in a society, even if, one, which was wholly funded by the government. Peculiarly, salary was not to be paid by the borrowing department but would continue to be paid by the parent department where the deputationists continued to have their lien on their permanent post. In this sense the deputation in question was a bit different and it is very difficult on these parameters to come to a conclusion that it was *stricto sensuo* an appointment by deputation.

11. In view of the conditions of deputation, in the facts of this case, it is not possible to hold that it is a case of appointment on deputation of the kind referred in the case of **Ashok Kumar Ratilal Patel (supra)** and **S.N. Maity (supra).**

12. When we go through the judgments relied upon by the appellant's Counsel, we find that so far as the case of **Ashok Kumar Ratilal Patel (supra)** is concerned, it was a case where the person had been appointed on deputation for a period of one year after selection but he was not being allowed to join on the deputation post on the ground that a higher pay was required to be paid to the deputationist than what was admissible in the borrowing department. In this context, while considering the facts of the case, Hon'ble the Supreme Court held that as it was a case of appointment on deputation, therefore, it was different from a case of transfer on deputation and such a deputationist had an indefeasible right to be treated fairly and equally, and once such person is selected and offered the letter of appointment on deputation, the same

could not be canceled except on the ground of non suitability or unsatisfactory work. In these circumstances Hon'ble the Supreme Court while quashing the order of withdrawal of appointment on deputation directed the concerned respondent to accept the joining of the appellant for a period of one year on deputation which was to be counted from the date of his joining and clearly stated that other terms and conditions of deputation will remain the same, therefore, even in that case Hon'ble the Supreme Court did not say that the person could continue on deputation indefinitely or get absorbed on deputation. It only said that he was entitled to join for one year.

13. Moreover, in that case the posts were permanent whereas in the case at hand the appellants have been sent on deputation firstly to a society, even if fully funded by the government, secondly, on temporary posts, therefore, the said case does not help the appellants cause.

14. S.N. Maity (supra) case was one of tenure deputation where the person was sought to be repatriated prematurely, the tenure of deputation was five years, therefore, referring to the decision in **Ashok Kumar Ratilal Patel (supra)** and other decisions, Hon'ble the Supreme Court held that it was an appointment on deputation and was a tenure posting. The fixed tenure was five years or until further orders unless it is curtailed, but the curtailment could not be done in an arbitrary or capricious manner, there had to be some rationale. Merely because the words 'until further orders' had been used, it would not confer allowance on the employer to act with caprice. In the case at hand, no tenure has

been prescribed in the deputation order, whether the order of repatriation, in this case is capricious or unfair and arbitrary is an aspect which we will consider hereinafter.

15. The other two decisions relied upon by the appellants Counsel rendered by the Rajasthan and the Madhya Pradesh High Court are also not of much help for the reasons already discussed hereinabove.

16. As regards the subsequent policy decision dated 19.07.2022 by the society and its approval by Government Order dated 29.08.2022 relied upon by the respondents, ultimately it is for the project/society to decide as to what is its need, what kind of personnel they want to function as coordinator, the qualifications for the said post, etc. By the subsequent policy decision they have prescribed qualifications different than the one which they had prescribed while holding the selection for deputation in which the appellants were selected. Various other conditions have been changed. The source of recruitment itself has been changed. The policy decision is not under challenge. Though, this policy decision is not the basis for the impugned order of repatriation, nevertheless, it would be a relevant factor to consider as to whether without alternative hands being available to man the posts held by the appellants on deputation such repatriation is justified or it is arbitrary. Most important, it is not the case of the opposite parties that in pursuance to the said policy they have engaged persons by outsourcing as per the new policy though it was stated that the process of engagement through outsourcing has been initiated. Maybe, this is on account of the fact that there were interim

orders operating while the writ petition was pending. Even in these appeals initially there were certain interim orders which were clarified on 28.08.2025 in Special Appeal No. 193 of 2025 which is part of this bunch and it is this interim order which is operating.

17. As regard, the contention of Shri Pathak, learned Counsel for the appellants that on deputation they had acquired a status in the sense that they were given the task of monitoring the teaching in schools in the district and for the said purpose they were given a car and driver, this is hardly a ground for interference in a deputation matter such as the one at hand. After repatriation also the salary of the deputationist will remain the same. The car and the driver were given for a particular purpose and on repatriation obviously they will have to forego this facility but this cannot be a ground for quashing the repatriation orders.

18. Now coming to the other aspect as to whether the reasons given in the order of repatriation are sustainable. After going through records what comes out is that in most of appeals i.e. SPLA No.200 of 2025 arising out of Writ A No.4861 of 2025, SPLA No.308 of 2025 arising out of Writ A No.5242 of 2025, SPLA No.201 of 2025 arising out of Writ A No.5002 of 2025, SPLA No.203 of 2025 arising out of Writ A No.4211 of 2025, SPLA No.202 of 2025 arising out of Writ A No.3672 of 2025, SPLA No.206 of 2025 arising out of Writ A No.5031 of 2025, SPLA No.195 of 2025 arising out of Writ A No.4991 of 2025, SPLA No.199 of 2025 arising out of Writ A No.5032 of 2025, SPLA No.198 of 2025 arising out of Writ A No.5401 of 2025, SPLA No.194 of 2025 arising out of Writ A No.4205 of

2025, SPLA No.196 of 2025 arising out of Writ A No.5478 of 2025, SPLA No.193 of 2025 arising out of Writ A No.3592 of 2025, the repatriation order was passed on the ground of completion of five years of service on deputation, obviously in view of the Government Order dated 26.05.2003 prescribing maximum five years of such service. In this context, as regards applicability of the Government Order dated 26.05.2003, we are of the opinion that though a Government Order does not apply retrospectively but it will apply to subsisting deputations unless there is any condition in the deputation order such as a tenure of more than five years etc., which is not the case here. The order of deputation did not mention any tenure i.e. it was not a tenure deputation. The Government Order dated 26.05.2003 issued subsequently mentions a maximum tenure of five years on deputation for any government servant. Application of the said government order to subsisting deputations, subject to the above, does not amount to its retrospective application.

19. As we have held that in facts of these cases, it cannot be said that the case of the appellants is one of appointment by deputation referable to the decisions of Hon'ble the Supreme Court cited hereinabove, therefore, we are of the opinion that on completion of five years service they could be repatriated back to their parent department in view of the Government Order dated 26.05.2003.

20. In the facts of these cases, the contention that Government Order dated 26.05.2003 does not apply as these are cases of appointment on

deputation, is not acceptable for the reasons given earlier with regard to the nature of deputation.

21. But there is another aspect, that is whether there are alternative hands available through outsourcing in terms of the new policy dated 19.07.2022 for performing the tasks which the aforesaid appellants (except appellants of Special Appeal No.192 of 2025 and Special Appeal No.197 of 2025 whose cases are different) are/were performing, if not, then the decision to repatriate them would be arbitrary, capricious and counter productive to the object of the Project/Society itself. There is nothing on record to suggest that personnel are available through outsourcing as per new policy to replace the appellants.

22. Repatriating the appellants (except appellants of Special Appeal No.192 of 2025 and Special Appeal No.197 of 2025) who were working on a temporary post of District Coordinators even before alternative hands have become available through outsourcing, to man the said posts, would compromise the project i.e. the Sarv Siksha Abhiyan for the success of which these persons were brought on deputation, therefore, the repatriation orders to this extent are against the interest of the Sarv Siksha Abhiyan itself and are arbitrary. The learned single judge has failed to appreciate this aspect of the matter in correct perspective.

23. The case of the appellants SPLA No.192 of 2025 arising out of Writ A No.6157 of 2025 and Special Appeal No.197 of 2025 arising out of Writ A No.4834 of 2025 are however different. In SPLA No.192 of 2025

though we find that the period of five years on deputation had not expired but the repatriation order refers to a request by the Basic Education Officer contained in letter dated 27.06.2024 mentioning the need/reason for repatriation, one of which was the absence of adequate number of teachers in parent school of the appellant apart from his unsatisfactory work in the project on deputation therefore the benefit of the observations made hereinabove cannot be made available to the said appellants. We have perused the letter dated 27.06.2024, copy of which is annexed as Annexure No.5 to Special Appeal No.192 of 2025 by which a request for repatriation of the appellant has been made for the reasons mentioned therein, on the ground *inter alia* that his work as District Coordinator has not been very satisfactory. In this regard the rankings of June, 2024 have been referred wherein he stood at 61st place. It is also been stated that in his original school i.e. parent department, there are 168 students and only two teachers are available for teaching, therefore, there are no special circumstances for extending his deputation, accordingly, his repatriation was requested by the District Basic Education Officer, Mahoba who also happens to be the District Coordinator of the Sarv Siksha Abhiyan. Although in his case period of five years had not expired but repatriation is sustained on the other reasons mentioned in the letter dated 27.06.2024 referred in the order of repatriation.

24. Same is the situation as regards appellant of Special Appeal No.197 of 2025. Though at the time of passing of order of his repatriation dated

18.06.2024 minimum period of three years of deputation had expired, the maximum of five years had not expired but, there is a reference to the letter dated 14.03.2024 and 16.05.2024 of the District Basic Education Officer one of which i.e. letter dated 14.03.2024 is on record which reflects upon the suitability of the said appellant to continue on deputation as a consequence to which the State Project Director called for his explanation on 09.04.2024 which is also on record and thereafter, it appears that the said appellant has been repatriated after due consideration, therefore, the observations made hereinabove with regard to continuance till alternative hands are available shall not apply in his case also, just as they shall not apply in the case of appellant of Special Appeal No.192 of 2025.

25. Taking into consideration the entire facts and circumstances of the case, we are of the opinion that the impugned orders of repatriation of appellants, except appellants of Special Appeal No.192 of 2025 and Special Appeal No.197 of 2025, are liable to be quashed.

26. We, however, make it clear that it shall be open for the opposite parties to initiate process for filling up the posts of District Coordinators, etc. i.e. the very posts on which the appellants are working on deputation, unless already initiated, through outsourcing in terms of the Policy dated 19.07.2022, and as soon as the said process is complete and personnel are engaged having requisite qualifications as per the new policy for working on the aforesaid temporary posts, an order of repatriation can be passed by the opposite parties and the appellants

herein will have no further right to insist on working on deputation under the opposite parties. They will have to join back in their parent department.

27. In view of the aforesaid, the judgment of the learned Single Judge except in respect of Special Appeal No.192 and 197 of 2025 cannot be sustained, it is accordingly, quashed. All the appeals except Special Appeal No.192 of 2025 and Special Appeal No.197 of 2025 are **allowed.** The Special Appeal No.192 of 2025 and Special Appeal No.197 of 2025 are **dismissed**. Needless to say that the appellants shall be entitled to salary/pay for the period they have either worked or kept out of job on account of impugned orders of repatriation which we have quashed today.

(Manjive Shukla, J.) **(Rajan Roy, J.)**

October 10, 2025
-Piyush-

Digitally signed by :-
PIYUSH YADAV
High Court of Judicature at Allahabad,
Lucknow Bench