

Court No. - 36

Case :- WRIT - A No. - 13409 of 2022

Petitioner :- C/M Janta Purva Madhyamik Vidyalaya
Chhichhor Karaundi And Another

Respondent :- District Basic Education Officer And 2 Others

Counsel for Petitioner :- Adarsh Singh, Indra Raj Singh

Counsel for Respondent :- C.S.C.

Hon'ble Manjive Shukla, J.

1. Heard learned counsel appearing for the petitioners and learned counsel appearing for the respondents.

2. Petitioners have filed this writ petition inter-alia praying therein for the following reliefs:

"I. Issue a writ, order or direction in the nature of Mandamus, commanding the respondent no. 1-District Basic Education Officer, Mau to grant approval to the selection made by the petitioners on the post of peon in the institution namely Janta Purva Madhyamik Vidhyalaya, Chhichhor, Karaundi, District Mau and pay regular admissible salary.

II. Issue any other writ, order or direction in the nature of writs, as this Hon'ble Court may deem fit and proper to meet ends of justice.

III. Award the cost of this writ petition to the petitioners."

3. Learned counsel appearing for the petitioners has submitted that one Class-IV post was lying vacant in *Janta Purva Madhyamik Vidhyalaya, Chhichhor, Karaundi, District Mau*, as such, Manager of the Committee of Management of the school vide letter dated 23.02.2021 informed the District Basic Education Officer, Mau with regard to initiation of selection process for filling up the said vacancy. It has further been submitted that request was made to District Basic Education Officer, Mau to provide his nomination for the Selection Committee but he did not provide his nominee, thereafter selection has been completed and papers of the selection have been forwarded to District Basic Education Officer, Mau vide letter dated 30.03.2021.

4. Learned counsel appearing for the petitioner has argued that since 30.03.2021, matter is pending at the end of District Basic Education officer, Mau and he has not taken any decision in respect of approval of selection in question.

5. On the other hand, learned Standing Counsel has opposed the

writ petition on the ground that due procedure prescribed for selection has not been followed. Learned Standing Counsel has further submitted that once the procedure prescribed under the Rules has not been followed, there is no occasion for the District Basic Education Officer, Mau to accord approval for the selection in question.

6. Be that as it may, this court is of the view that once selection has been completed by the petitioners, District Basic Education Office, Mau must take decision over the papers submitted by the Manager of the Committee of Management of the institution for approval of the selection.

7. In view of the aforesaid reasons, without entering into the merits of the case, this writ petition is finally ***disposed of*** with a direction to District Basic Education Officer, Mau to take appropriate decision over the matter of approval of selection forwarded to his office vide letter dated 30.03.2021 within a period of two months from the date of service of certified copy of this order.

Order Date :- 8.12.2023

A. Mandhani