

Court No. - 35

Case :- WRIT - A No. - 12843 of 2023

Petitioner :- Sanjiv Kumar Mishra

Respondent :- State Of U.P. And 3 Others

Counsel for Petitioner :- Anurag Tripathi

Counsel for Respondent :- C.S.C.,A.K.S.Parihar

Hon'ble Vikas Budhwar,J.

Instruction filed today is taken on record and marked as Appendix-A.

Heard Sri Anurag Tripathi, learned counsel for the petitioner as well as Sri H.K. Shukla, learned Standing Counsel, who appears for respondents 1, 2 and 4 and Sri A.K.S. Parihar, learned counsel who appears for the third respondent.

The case of the writ petitioner is that the petitioner had applied in pursuance of a recruitment exercise undertaken pursuant to the advertisement no.2 of 2021 for the post of TGT in Maths (Balak/boya) in (UR/Ex-Army) category. As per the writ petitioner he was allotted Roll no.1006008715. A final result was published on 31.10.2021 wherein the name of the writ petitioner did not find place however according to the writ petitioner as per the provisions contained under Rule 12 (8) of the 1998 Rules another list was published not exceeding 25% in which the name of the writ petitioner also did not find place.

Prayer in the present petition is for a direction to the third respondent, the Secretary, U.P. Secondary Education Services Selection Board to take remedial action and do fill up the post while according selection and placement to the writ petitioner.

Sri A.K.S. Parihar, learned counsel who appears for the third respondent has produced before this Court the instructions dated 11.10.2023 under the signature of the third respondent according to which in the final results dated 31.10.2021 the cut off marks was 196.4 under the category of Ex Army Men, however the writ petitioner only obtain 190.4000 marks thus he could not be accorded placement in the final select list. Subsequently according to him another list was published under Rule 12(8) of the 1998 Rules to the extent of 25% wherein one post fell within the quota

of the Ex Army Men being 5% however the writ petitioner being lower in merits was not accorded benefits.

According to the learned Standing Counsel as well as Sri Parihar let the writ petitioner be represent his cause before the third respondent, Secretary, U.P. Secondary Education Services Selection Board who shall decide the claim of the writ petitioner,

To such a submission, learned counsel for the petitioner has no objection and he gracefully accepts the same.

Considering the submissions of the rival parties as well as stand taken by them, the writ petition is being disposed off without seeking any response from the respondents granting liberty to the writ petitioner to prefer a comprehensive representation along with the self-attested copy of the writ petition before the third respondent, Secretary, U.P. Secondary Education Services Selection Board raising all his grievances and in case the writ petitioner approaches the third respondent he shall consider the claim of the writ petitioner strictly in accordance with law within a period of two months from the date of presentation of the certified copy of the order.

Needless to point out that the writ petition has been decided without seeking any response from the respondents. Thus, passing of this order may not be construed to an expression that this Court has gone into the merits of the case.

With the aforesaid observation, the writ petition is **disposed off**.

Order Date :- 7.11.2023

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