

Court No. - 35

Case :- WRIT - A No. - 15076 of 2023

Petitioner :- Smt Beenu Singh

Respondent :- State Of U.P. And 2 Others

Counsel for Petitioner :- Swatantra Pratap Singh, Pradeep Kumar Rai

Counsel for Respondent :- C.S.C.

Hon'ble Vikas Budhwar, J.

Supplementary affidavit filed today on behalf of the petitioner is taken on record.

Heard Sri C.S. Garg, learned counsel, holding brief of Sri Swatantra Pratap Singh, learned counsel for the writ petitioner as well as Sri Santosh Kumar, learned Standing Counsel, who appears for the respondent nos.1 and 2.

In view of the order, which is being proposed to be passed, notices are not being issued to the third respondent.

The case of the writ petitioner is that the third respondent, Sri Ishwari Narayan Sanskrit Uchchatar Madhyamik Vidyalaya, Sarokhanpur, Badlapur, District - Jaunpur is an institution imparting Sanskrit Education up-to Class 12th and the provisions of Uttar Pradesh Board of Sanskrit Education Act, 2000, stands applicable.

It is the further case of the writ petitioner that in the institution in question, there are nine posts of teaching staff, which stood sanctioned by virtue of an order dated 24.03.1972. Pursuant thereto, on 14.03.2019, advertisement was published in widely circulated newspapers for appointment on the post of Assistant

Teachers. The writ petitioner claims to have participated in the selection and appeared before the interview board and select list was published, wherein the name of the writ petitioner found place at Serial No.2. With regard to the approval, documents were transmitted to the second respondent, District Inspector of Schools, Jaunpur, however though the writ petitioner was issued appointment order and joining, but she has not been paid salary, as approval has not been accorded.

Learned counsel for the writ petitioner thus submits that a direction be issued to the second respondent to accord approval to the appointment of the writ petitioner.

Sri Santosh Kumar, learned Standing Counsel, who appears on behalf of the respondent nos.1 and 2 submits that the issue as to whether the writ petitioner is entitled to be accorded approval needs determination at the first instance by the second respondent, District Inspector of Schools, Jaunpur, who shall go into the said aspect and pass an order to the said extent.

Considering the submission of the rival parties as well as the stand taken by them, the writ petition is being disposed off without seeking any response granting liberty to the writ petitioner to approach the second respondent, District Inspector of Schools, Jaunpur, while filing a comprehensive representation along with the self-attested copy of the writ petition and on the receipt of the same, the second respondent shall put to notice the third respondent and thereafter proceed to decide the entitlement of the writ petitioner within a period of three months from the date of the production of the certified copy of the order, bearing in mind the total number of sanctioned post, the vacancies lying vacant, selection procedure conducted as per Rules, the eligibility,

suitability, the other ancillary and incidental issues and also the continuance of the writ petitioner in service.

Needless to point out that this court has not adjudicated the matter on the merits.

With the aforesaid observations, the writ petition stands ***disposed off***.

Order Date :- 12.10.2023

S Rawat