

Court No. - 35

Case :- WRIT - A No. - 15201 of 2023

Petitioner :- Syed Ahmad Abul Qasim Rizvi

Respondent :- State Of U.P. And 5 Others

Counsel for Petitioner :- Prabhat Kumar Singh, Lalta Prasad

Counsel for Respondent :- C.S.C.

Hon'ble Vikas Budhwar, J.

Heard Sri Prabhat Kumar Singh, learned counsel for the writ petitioner as well as Sri Pradeep Kumar Shahi, learned Additional Chief Standing Counsel, who appears for the respondent nos.1 to 4.

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

The case of the writ petitioner is that at the present moment at the time of the filing of the writ petition, the institution, Adarsh Krishna Mahavidyalaya (A.K. College), Shikohabad, Firozabad is being manned by Authorised Controller.

According to the writ petitioner, in the institution in question, in the Ministerial Cadre, there are five posts of Junior Clerk, one post of Office Superintendent (Pradhan Lipik), one post of Accountant and one post of Stenographer. It is the case of the writ petitioner that he was appointed as a Junior Clerk in the year, 1995 and was accorded joining on 30.10.1995 and he was thereafter allowed to perform the duties as Accountant on 17.04.2010. Thereafter, one Sri J.P. Yadav, who happened to be the Office Superintendent (Pradhan Lipik) superannuated on 24.04.2013, however he was granted session benefits till 31.03.2023, but owing to the said

vacancy, now charge has been directed to be handed over to the sixth respondent, by virtue of the order dated 24.03.2023.

Learned counsel for the writ petitioner has invited the attention of the Court towards Annexure No.8 at Page No.51 of the paper book, reference whereof has been given paragraph no.14 of the writ petition that the writ petitioner in the seniority list is over and above the sixth respondent. He thus submits that the benefit ought to have been accorded to the writ petitioner.

Prayer in the present petition is for quashing of the order dated 24.03.2023, passed by the respondent no.5 nominating the respondent no.6 to function as Office Superintendent in institution, namely, Adarsh Krishna Mahavidyalaya (A.K. College), Shikohabad, Firozabad

Sri Pradeep Kumar Shahi, learned Additional Chief Standing Counsel, who appears for the respondent nos.1 to 4 submits that the issue as to whether the writ petitioner is entitled to be conferred with the said benefit, which has been extended to respondent no.6 by the respondent no.5 needs determination at the first instance by the third respondent, Regional Higher Education Officer, Agra Region, Agra, who shall address to the claim of the writ petitioner.

At this juncture, learned counsel for the writ petitioner submits that he is forgoing his claim with regard to the challenge to the order dated 24.03.2023, at the present moment at this stage however he shall represent his cause before the third respondent, while filing a comprehensive representation .

Considering the submissions of the rival parties as well as the stand taken by them, the writ petition is being disposed off granting liberty to the writ petitioner to prefer a comprehensive

representation before the third respondent, who shall on the receipt of the same proceed to decide the entitlement of the writ petitioner after putting to notice the fifth and the sixth respondent and of course the institution itself through its functionaries within a period of two months from the date of the production of the certified copy of the order, bearing in mind the seniority of the writ petitioner, suitability, eligibility and other ancillary and incidental issues.

Needless to point that this Court has not adjudicated on the merits of the matter.

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

Order Date :- 12.10.2023

S Rawat