

Court No. - 10

Case :- WRIT - C No. - 32524 of 2023

Petitioner :- Rishabh Rajpoot (Minor)

Respondent :- Union Of India And 4 Others

Counsel for Petitioner :- Ganesh Shanker Srivastava

Counsel for Respondent :- A.S.G.I., Narendra Pratap Singh

Hon'ble Kshitij Shailendra, J.

1. Rejoinder affidavit filed today is taken on record.
2. Heard Shri Ganesh Shanker Srivastava, learned counsel for the petitioner, Shri Uma Dutt Shukla, learned counsel holding brief of Shri Narendra Pratap Singh, learned counsel for all the respondents and perused the record.
3. By means of the present writ petition, a writ of Mandamus has been sought directing the respondents to admit the petitioner on the basis of provisional select list, in which the name of the petitioner stood mentioned at serial No. 16 pertaining to class-VI. Another prayer is for deciding the representation submitted by the petitioner.
4. Learned counsel for the petitioner has placed reliance upon various documents and also Annexure No. 7 to the counter affidavit filed by the respondents, in submitting that once the Authorities proceeded to consider the matter, in absence of any decision either way, the petitioner stands nowhere and is suffering.
5. On the other hand, learned counsel for the respondents submits that there was a well defined time schedule for holding examination and 26.07.2023 was the last date fixed for that purpose, whereas the petitioner approached the Institution after the last date.
6. The aforesaid statement of fact contained in the counter affidavit has been denied in the rejoinder affidavit and it is contended that though the petitioner was vigilant and approached the Authorities within time, the Authorities delayed the matter and ultimately the petitioner has been made to suffer.
7. There being disputed questions of fact involved in the present

case, the writ petition stands **disposed of** in the following terms:

(i) The petitioner is permitted to submit a detailed application mentioning all steps taken by him concerning the admission date-wise, before the respondent No. 4, Incharge Admission, K.V. NTPC Dibiyapur, district Auraiya, along with certified copy of this order **in the month of December, 2023.**

(ii) The respondent No. 4, Incharge Admission, K.V. NTPC Dibiyapur, district Auraiya, after providing opportunity of hearing to the petitioner and based upon the relevant records available, shall pass appropriate order in accordance with law **in the month of January, 2024.**

(iii) It is made clear that this Court has not adjudicated upon the merits of the claim of the petitioner and it is for the Authorities to take appropriate decision based upon the relevant norms/guidelines/time schedule, etc.

Order Date :- 7.12.2023

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