

Court No. - 35

Case :- WRIT - A No. - 15615 of 2023

Petitioner :- Narendra Dhar Dwivedi

Respondent :- State Of U.P. And 7 Others

Counsel for Petitioner :- Satyendra Chandra Tripathi

Counsel for Respondent :- C.S.C., Shesh Kumar Srivastava

Hon'ble Vikas Budhwar, J.

1. Heard Sri Satyendra Chandra Tripathi, learned counsel for the writ petitioner as well as Sri Pradeep Kumar Shahi, learned Additional Chief Standing Counsel who appears for respondents No. 1 and 4, Sri Dev Kaushik holding brief of Sri Shesh Kumar Srivastava, learned counsel who appears for respondents No. 2 and 3 and Sri Prashant Singh, learned counsel who appears for respondent No. 5.

2. In view of the order which is being proposed to be passed today, notices are not being issued to respondents No. 5 to 8.

3. Principally, the challenge raised in the present petition is for quashing of the order dated 23.05.2023 passed by the Registrar, Sampurnanand Sanskrit University, Varanasi as well as writ of quo warranto restraining the respondents No. 6 to 8 as Assistant Teacher (Sahitya) in the fifth respondent-institution, Shri Ram Shanker Sanghved, Snatkottar Vidyapeeth, Kodara Popaya, Sant Kabir Nagar.

4. Today when the matter has been taken up, Sri Dev Kaushik holding brief of Sri Shesh Kumar Srivastava, learned counsel who appears for respondents No. 2 and 3 has produced before this Court the instructions of the respondent-university which are two pages according to him the issue with regard to the approval accorded by the District Inspector of Schools, Sant Kabir Nagar on 20.12.2017 as well as the communication of the District Inspector of Schools, Sant Kabir Nagar dated 19.06.2023 Annexure 13 at page 74 of the paper book reference whereof has been given at page 27 of the writ petition is being investigated at the level of the University itself as in this regard date had been fixed on 08.10.2023, however, on that date many of the interested parties did not appear, thus, the matter further dates have been fixed. According to him the necessary spade work is being proceeded

with.

5. Sri Pradeep Kumar Shahi, learned Additional Chief Standing Counsel also supports the submission of Sri Dev Kaushik holding brief of Sri Shesh Kumar Srivastava, learned counsel who appears for respondents No. 2 and 3.

6. Confronted with the said situation, Sri Satyendra Kumar Tripathi, learned counsel for the writ petitioner submits that if it is the case of the respondents that the matter is active consideration then he has no objection in this regard and according to him the investigation be done with most expedition as obviously the respondents being the University and the State have to act in accordance with law.

7. Considering the submission of the rival parties as well as the stand taken by them, the writ petition is being disposed of requiring the competent authority of the University to investigate and probe the matter and to give it a logical end with most expedition.

8. However, needless to point out that it is always open for the writ petitioner to again approach as occasion arises in accordance with law.

9. With the aforesaid observations, the writ petition stands disposed of.

10. The instructions filed today are taken on record and marked as Appendix 'A'.

Order Date :- 17.10.2023

Rajesh