

Court No. - 35

Case :- WRIT - A No. - 15913 of 2023

Petitioner :- Vratpal Singh

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

Counsel for Petitioner :- Punit Kumar Gupta, Poorva Agarwal

Counsel for Respondent :- C.S.C., Ajay Rajendra, Prateek Rai

Hon'ble Vikas Budhwar, J.

A vakalatnama has been filed by Sri Rahul Chaudhary, who appears for the fifth respondent, which is taken on record.

Heard Sri Punit Kumar Gupta, learned counsel for the writ petitioner, Sri P.K. Shahi, learned Addl. Chief Standing Counsel, who appears for the Respondents 1 to 3. Notice on behalf of the fourth respondent has been accepted by Sri Shrivats Narain (AOR No.A/S0745/2021) holding brief of Sri Rahul Chaudhary, learned counsel for the fifth respondent and Sri Ajay Rajendra, who appears for the sixth respondent.

Though the writ petition has been preferred with a prayer of quo-warranto calling for the records in respect of the experience certificate submitted by the sixth respondent to obtain the appointment on the post of Deputy Librarian in the Institution in question as well as quashing of the order appointing the sixth respondent. However, Sri P.K. Shahi, learned Addl. Chief Standing Counsel has produced before this Court the instructions under the signatures of Joint Director, Higher Education, on behalf of Director, Higher Education, Prayagraj, annexing the copy of the office order dated 01.12.2003 of the said authority, whereby so far as the payment of monetary benefits to the sixth respondent is concerned, the sixth respondent has been made inadmissible to the same and the recovery has been to be made in instalments and with respect to the appointments of the sixth respondent is concerned, a committee has been constituted. A copy of this order has been served upon the learned counsel for the parties by Sri P.K. Shahi, the learned Addl. Chief Standing Counsel. Since Sri Punit Kumar Gupta, learned counsel for the writ petitioner submits that though the writ petition is for quo-warranto, but since now the respondents are proceeding with the matter while conducting enquiry regarding the appointment of the sixth respondent and further according to the respondent, they have taken corrective measures, thus the writ petition be consigned to record at the present juncture, however,

with liberty to them, if permissible under law as and when occasion arises.

Sri Ajay Rajendra, who appears for the sixth respondent submits that though this order has been passed on 01.12.2023, but liberty be accorded to his client to challenge the same in the appropriate proceeding.

Considering the submission of the parties, the writ petition is consigned to record, leaving it open to the parties to adjudicate their rights and as per the oral statement made by the P.K. Shahi, learned Addl. Chief Standing Counsel, the Committee which has been constituted shall take appropriate decision strictly in accordance with law.

Instructions filed today are taken on record and marked as Appendix 'A'.

Copy of the instructions have been served upon the learned counsel for the parties.

Order Date :- 6.12.2023
N.S.Rathour