

Court No. - 35

Case :- WRIT - A No. - 16005 of 2023

Petitioner :- Sushil Kumar Pandey

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

Counsel for Petitioner :- R. K. Singh Kaosik

Counsel for Respondent :- C.S.C.

Hon'ble Vikas Budhwar,J.

Heard Sri R. K. Singh Kaosik, learned counsel for the writ petitioner as well as Sri Shailendra Singh, 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, Committee of Management Inter College, Meethepaar, Jaunpur is an institution, which is recognized under the provisions of U.P. Intermediate Education Act, 1921 and the provisions of U.P. Act No.24 of 1971, stands applicable.

As per the writ petitioner, nine posts of Class - IV employees are sanctioned and one post of Class - IV employee stood vacant on account of retirement of Sri Rajendra Prasad Dube. Selection was conducted, while publishing the advertisement in newspapers. Thereafter, on 23.05.2017, the District Inspector of Schools, Jaunpur accorded approval to the appointment of the writ petitioner and on account of retirement of Sri Shyam Bihari Pandey, Clerk on 31.07.2019, the recruitment exercise has been undertaken. According to the writ petitioner, he possesses academic qualification in C.C.C. certificate, however his claim has

not been considered.

Prayer in the present petition is for a direction to the District Inspector of Schools, Jaunpur to consider the claim of the writ petitioner, as per the statute.

Sri Shailendra Singh, learned Standing Counsel on the other hand submits that the issue as to whether the writ petitioner is entitled to be accorded promotion depends upon various factors including eligibility, suitability as well as the existence of vacancies and also the claim of the other deserving candidates, who come within the zone of consideration. According to him, the writ petitioner may represent his cause before the committee, so constituted therein through the District Inspector of Schools. He further submits that he does not propose to file any response to the writ petition.

To such a submission, learned counsel for the writ petitioner has no objection and he gracefully accepts the same.

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 prefer a comprehensive representation before the second respondent, District Inspector of Schools, Jaunpur, who shall on the receipt of the same thereafter do the needful, as per the Statute in question and facilitate passing of an order within a period of three months from the date of the presentation of the certified copy of the order after hearing the third respondent and the other deserving candidates, who come within the zone of consideration.

With the aforesaid observation, the writ petition is ***disposed off***.

Order Date :- 12.10.2023

S Rawat