

Court No. - 36

Case :- WRIT - A No. - 16088 of 2023

Petitioner :- Nida

Respondent :- State Of U.P. And 3 Others

Counsel for Petitioner :- Seemant Singh

Counsel for Respondent :- CSC, Hari Narayan Singh

Hon'ble Manjive Shukla, J.

1. Heard learned counsel appearing for the petitioner, learned Standing Counsel appearing for the Respondents No. 1 & 2 as well as Mr. Hari Narayan Singh, learned counsel appearing for the Respondent No. 3.

2. Petitioner has filed this writ petition inter alia praying therein for the following relief :-

(a) Issue a writ, order or direction in the nature of mandamus directing the District Basic Education Officer, Aligarh to allow the petitioner to work as Incharge Head Mistress of Kanya Kramottar, Upper Primary School No. 1, (composite School), Urban Area, Atrauli, District Aligarh. On account of being senior most assistant teacher of the above mentioned primary school (composite school).

(b) Issue a writ, order or direction in the nature of mandamus directing the District Basic Education Officer, Aligarh to relieve Respondent No. 4 from the post of assistant teacher from Kanya Kramottar, Upper Primary School No. 1, (composite School), Urban Area, Atrauli, District Aligarh. Forthwith, enabling her to join on the post of assistant teacher in Upper Primary School, Bhojpur rural area, Atrauli (composite school), District School.

3. This court after hearing the parties counsels passed a detailed order on 18.10.2023 which is extracted as under :-

"1. Heard learned counsel appearing for the petitioner, learned Standing Counsel appearing for the Respondents No. 1 & 2 as well as Sri H.N. Singh, learned counsel appearing for the Respondents No. 3 & 4.

2. Learned counsel appearing for the petitioner has submitted that petitioner is a regularly appointed Assistant Teacher and is working in Composite School, Nagar Atrauli but in-spite of being senior most, she has not been given charge of the post of officiating Head Master of the aforesaid school.

3. Learned counsel appearing for the petitioner has invited attention of this court towards order dated 31.07.2017 contained in Annexure No. 11 to the

writ petition and has submitted that Respondent No. 4 belongs to Rural Cadre and originally was posted in Purva Madhyamik Vidyalaya, Bhojpur and has been attached to Purva Madhyamik Vidyalaya, Kanya Kamottar Nagar Atrauli i.e. Composite School, Nagar Atrauli.

4. Learned counsel appearing for the petitioner has argued that Director General of School Education has already issued a circular addressed to all the District Basic Education Officers of the State of U.P. wherein it has been provided that there cannot be any attachment in the schools.

5. Learned counsel appearing for the petitioner has also argued that only just to accommodate the Respondent No. 4 as In-charge Headmaster in the petitioner's school, petitioner in-spite of being senior to Respondent No. 4, has not been given charge of the post of In-charge, Headmaster.

6. I have considered the submissions advanced by the learned counsel appearing for the petitioner and prima-facie I find that after circular issued by the Director General of School Education, U.P., Lucknow on 29.06.2022, the attachment of Respondent No. 4 in petitioner's school cannot continue.

7. Put up this case on 27.10.2023 as fresh.

8. In the meantime, Sri H.N. Singh, learned counsel appearing for the District Basic Education Officer, Aligarh is directed to take instructions in the matter, particularly as to for what reason, Respondent No. 4 is allowed to continue on her attachment"

4. Mr. H.N. Singh, learned counsel appearing for the Respondents No. 3 has submitted that in compliance of this court's order dated 18.10.2023 attachment of Respondent No. 4 has been cancelled and further petitioner has been handed over charge of the post of In-charge Head Mistress of Kanya Kramottar, Upper Primary School No. 1, (Composite School), Urban Area, Atrauli, District Aligarh.

5. Mr. Seemant Singh, learned counsel appearing for the petitioner has submitted that petitioner has been handed over charge of the post of Head Mistress vide order dated 01.11.2023 passed by the District Basic Education Officer, Aligarh, therefore, this writ petition may be disposed of in terms of the aforesaid order.

6. In view of the aforesaid submissions advanced by the learned counsel appearing for the petitioner, this writ petition is disposed of in terms of the order dated 01.11.2023 passed by the District Basic Education Officer, Aligarh, whereby charge of the post of Head Mistress has been handed over to the petitioner.

Order Date :- 2.11.2023

Gaurav