

Court No. - 36

Case :- WRIT - A No. - 16754 of 2023

Petitioner :- C/M Sardar Patel Avar Madhyamik Vidyalaya And Another

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

Counsel for Petitioner :- Rahul Sharma, Vijit Saxena

Counsel for Respondent :- CSC

Hon'ble Manjive Shukla, J.

1. Heard learned counsel appearing for the petitioners and learned Standing Counsel appearing for the Respondents No. 1 to 3.

2. Petitioner No. 1 is the Committee of Management of Sardar Patel Avar Madhyamik Vidyalaya, Kali Jagdishpur, District Sant Kabir Nagar. Manager of the Committee of Management of the institution applied for grant of permission for making selection and appointment on a Class-IV post in the institution. Initially the said request was not considered and, therefore, Writ-A No. 12138 of 2022 was filed which was finally disposed of vide order dated 11.10.2022. The District Basic Education Officer, Sant Kabir Nagar in compliance of the order dated 11.10.2022 passed in Writ-A No. 12138 of 2022, has passed an order on 18.5.2023, whereby permission for filling up the Class-IV post in the institution has been granted.

3. Learned counsel appearing for the petitioners have submitted that under the rules, the Selection Committee for selection on the Class-IV post comprises of school authorities as well as one nominee provided by the District Basic Education Officer, Sant Kabir Nagar. It has further been submitted that since 18.5.2023, Petitioner No. 2 is continuously approaching the District Basic Education Officer, Sant Kabir Nagar for providing nominee so that the Selection Committee may be constituted and exercise of selection may be completed.

4. Learned counsel appearing for the petitioners have invited attention of this court towards the various applications given by the petitioners to the District Basic Education Officer, Sant Kabir Nagar wherein request has been made for providing his nominee so that the exercise of selection may be completed but till date, there is complete inaction on the part of the District Basic

Education Officer, Sant Kabir Nagar.

5. Learned Standing Counsel, on the other hand, has very fairly submitted that the grievance of the petitioners can very well be looked into by the District Basic Education Officer, Sant Kabir Nagar and order for providing his nominee can be passed at his end.

6. In view of the aforesaid submissions advanced by the learned counsels appearing for the parties, this Writ Petition is finally **disposed of** with liberty to the petitioners to file a fresh application before the District Basic Education Officer, Sant Kabir Nagar, within ten days from today and if such application is filed within the aforesaid period, the District Basic Education Officer, Sant Kabir Nagar is directed to consider and decide the said application within a period of three weeks thereafter, and if there is no legal impediment, he shall provide nominee for the Selection Committee.

Order Date :- 12.10.2023

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