

Court No. - 35

Case :- WRIT - A No. - 16239 of 2023

Petitioner :- Dr Ritesh Kumar Singh And Another

Respondent :- State Of U.P. And 4 Others

Counsel for Petitioner :- Rajesh Nath Tripathi,Ajeet Singh,Kamlesh Kumar

Counsel for Respondent :- C.S.C.,Bal Mukund Singh,Dhananjay Awasthi

Hon'ble Vikas Budhwar,J.

Heard Sri Rajesh Nath Tripathi, learned counsel for the writ petitioner as well as Sri Vijai Pratap Singh learned Standing Counsel, who appears for respondents 1 and 2 and Sri Nitin Chandra Mishra has accepted notice on behalf of the fifth respondent. Nobody has appeared on behalf of the third respondent though the name of Sri Dhananjay Awasthi is shown for the respondent side.

In view of the order, which is being proposed to be passed today, notices are not being issued to the fifth respondent.

The case of the writ petitioners who are two in number are that selections were conducted by the fourth respondent, Budha Post Graduate College, Kasya, District Kushi Nagar for appointment on various posts being the post of Commerce and Zoology. It is the case of the writ petitioners the writ petitioner no.1 had applied in pursuance of advertisement published in widely circulated news papers Danik Jagran on 17.10.2008 as whereas the petitioner no.2 had appeared in pursuance of an advertisement also.

The writ petitioner no.1 claims to have been selected as Lecturer (Commerce) and an appointment order is stated to have been issued to the writ petitioner no.1 in the year 2008 and he joined on 17.11.2008. So far as the petitioner no.2 is concerned he was issued appointment order on 9.3.2007 and he was accorded joining on 29.3.2007.

As per the writ petitioners there happens to be Government Order dated 11.11.1997, 19.5.1999 and 23.8.2011 providing for the pay scales however they are not being paid the benefits which are referable to the said post.

Prayer in the present petition is for payment of regular salary and to take institution in grant in list upto post graduate level w.e.f. 2007 and sanction three post of lecturer in P.G. Course while entitling the benefits.

Sri Vijai Pratap Singh learned Standing Counsel and Sri Nitin Chandra Mishra learned counsel for the respondents on the other hand submits that the issues with the writ petitioners seeking to raise determination at the first instance by the Director of Higher Education U.P. at Lucknow. They submit that they do not propose to file any response to the writ petition.

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

Considering the submissions of the rival parties as well as stand taken by them, the writ petition is being disposed off without seeking any response from the respondents granting liberty to the writ petitioners to prefer a comprehensive representation along with the self-attested copy of the writ petition before the second respondent, Director of Higher Education U.P. at Lucknow who shall on the receipt of the same, put to notice to the fourth and fifth respondents and thereafter proceed to decide the claim of the petitioners strictly in accordance with law within a period of three months from the date of presentation of the certified copy of the order. In case the second respondent is of the opinion that the matter needs to be addressed by any other authority then the papers be transmitted to it after due communication to the writ petitioner, fourth and the fifth respondents.

Needless to point out that the writ petition has been decided without seeking any response from the respondents. Thus, passing of this order may not be construed to an expression that this Court has gone into the merits of the case and order be passed taking into account the applicability of Government Order relied upon by the petitioners.

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

Order Date :- 7.11.2023

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