

Court No. - 35

Case :- WRIT - A No. - 16170 of 2023

Petitioner :- C/M Govardhan Inter College

Respondent :- State Of U.P. And 6 Others

Counsel for Petitioner :- Ramesh Chandra Tiwari

Counsel for Respondent :- C.S.C.

Hon'ble Vikas Budhwar,J.

Heard Sri Ramesh Chandra Tiwari, learned counsel for the petitioner and Sri P.K. Shahi, the learned Addl. Chief Standing Counsel, who appears for Respondent Nos. 1 to 4 and 6.

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

The writ petitioner herein C/M Govardhan Inter College, Muftiganj, Jaunpur claims himself to be a validly elected Committee of Management of the Institution in question. According to the writ petitioner, there are 12 posts of Peon sanctioned, but only three are working and the 7th respondent, Satya Prakash Rai has been attached to the office of the District Inspector of Schools, Jaunpur, fourth respondent. As per the writ petitioner, initially, on 12/13.07.2010, the District Inspector of Schools, Jaunpur found the appointment of the 7th respondent to be illegal and his salary was withheld, which occasioned filing of Writ Petition No.2302 of 2011 by the 7th respondent, which came to be allowed and the matter was remitted back to District Inspector of Schools, Jaunpur to take a decision to District Inspector of Schools, Jaunpur to take a decision, which in turn was taken on 02.04.2016 negating the claim of the 7th respondent, which again was subject matter of challenge by the 7th respondent in Writ Petition No.59078 of 2016, which came to be allowed on 27.04.2018, pursuant where to on 29.09.2018, an order is stated to have been passed by District Inspector of Schools, Jaunpur granting salary to the 7th respondent since August 2018. It is further the case of the writ petitioner that the 7th respondent stands attached to the office of the fourth respondent, District Inspector of Schools, Jaunpur due to scarcity of the staff in question and in the light of the Advisory issued on 24.06.2021 by the Director of Education (Madhyamik), Uttar Pradesh, addressed to all the District Inspector of Schools of Uttar Pradesh regarding detachment of Class-IV employees, who pursuant to the provisions

contained under Section 3(3) of the 1971 Act, stood attached, were to be released and sent to their parent Institution. It is the case of the writ petitioner that the Joint Director of Education, Varanasi Region, Varanasi, even in fact issued a letter on 18.02.2021 for release of the seventh respondent. However, despite various representation/ communication being made, same has not been done.

The prayer in the present petition is for a direction to the District Inspector of Schools, Jaunpur to take follow up remedial action.

Sri P.K. Shahi, learned Addl. Chief Standing Counsel, who appears for the Respondent Nos. 1 to 4 and 6, on the other hand submits that the issue as to whether in view of the Advisory issued on 24.06.2021, the seventh respondent stood released or not is a matter to be decided at the first instance by the fourth respondent and according to him, the writ petitioner may represent his cause before the fourth respondent, who shall address to the claim of the writ petitioner. 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 from the respondents granting liberty to the writ petitioner to approach the fourth respondent, District Inspector of Schools, Jaunpur, along with a comprehensive representation accompanied with self-attested copy of the writ petition, who shall, on the receipt of the same, put to notice the fifth and seventh respondents and thereafter proceed to examine the entitlement of the writ petitioner within a period of six weeks from the date of production of certified copy of the order.

Needless to point out that the writ petitioner 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 adjudicated the matter on merits.

With the aforesaid observations the writ petition stands **disposed off**.

Order Date :- 31.10.2023
N.S.Rathour