

Court No. - 35

Case :- WRIT - A No. - 16636 of 2023

Petitioner :- Sanjeev Kumar Upadhyay And 28 Others

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

Counsel for Petitioner :- Vimlesh Kumar Rai,Raghavendra Rai

Counsel for Respondent :- C.S.C.

Hon'ble Vikas Budhwar,J.

Heard Sri Vimlesh Kumar Rai, learned counsel for the petitioners, who are 29 in number as well as Sri Santosh Kumar, the learned Standing Counsel, who appears for Respondent Nos. 1 and 2.

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

The case of the writ petitioner is that there happens to be a Government Order dated 04.08.2005 by which 225 Computer Instructors were to be appointed in Government Colleges and Aided Intermediate Colleges through certain agencies entrusted with the said work. The writ petitioners in paragraph-4 of the writ petition have come up with the stand that they were engaged as Computer Operators in the year 2005 itself and in paragraph-14, it has been asserted that they had worked from 2005 to 2010 and from 2011 to 2016 for approximately 10 years. It is further the case of the writ petitioners that the second respondent issued a communication dated 30.11.2015 to the first respondent to create the post of Computer Teachers in Government Colleges as well as in Aided Intermediate Colleges in two phases on honorarium basis, and on the basis whereof, the Director General, Secondary Education, U.P., Lucknow, second respondent, issued a communication to the first respondent, Principal Secretary, Secondary Education, Government of U.P. providing certain inputs. As per the writ petitioners, on 20.08.2020, the State Government issued an order for making the said engagement through GeM Portal. According to the writ petitioners, the respondents despite there being a letter of the second respondent, Director of Education (Madhyamik), U.P. addressed to the Special Secretary, U.P. dated 15.02.2018 providing that the degree of B.Ed. may not be an equivalent to the qualifications commensurate for the engagement on the said posts had forwarded the document.

Learned counsel for the petitioners submits that though he has represented his cause, but no suitable action has been taken in this

regard and he seeks disposal of his claim.

Sri Santosh Kumar, learned Standing Counsel, who appears for Respondent Nos. 1 and 2 submits that the issue as to whether the qualification of B.Ed. is to be treated to be equivalent to the qualification for the post of Computer Instructor is a matter, which is to be taken into consideration at the first instance by the second respondent, who shall address to the claim of the writ petitioners and thereafter shall proceed to take follow up action. He further submits that he does not propose to file any response to the writ petition and according to him, the writ petitioners may represent their cause before the second respondent, who shall take into account the aforesaid aspects of the matter and in case, the matter needs to be redressed by any other authority, it shall forward the same in that regard.

To such a submission, learned counsel for the writ petitioner has no objection to the same 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 second respondent, along with a comprehensive representation accompanied with self-attested copy of the writ petition, who shall, on the receipt of the same, proceed to decide the claim of the writ petitioner strictly in accordance with law within a period of three months from the date of production of certified copy of the order.

In case, the second respondent is of the opinion that the matter needs to be redressed by some other authority, then the papers be transmitted to it.

Needless to point out that the writ petitioner is being 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 :- 18.10.2023

N.S.Rathour