

Court No. - 35

Case :- WRIT - A No. - 16382 of 2023

Petitioner :- C/M Lala Lajpat Rai Kanya Inter College And Another

Respondent :- State of U.P. and Another

Counsel for Petitioner :- Bajrang Bahadur Singh, Satya Prakash Singh

Counsel for Respondent :- C.S.C.

Hon'ble Vikas Budhwar, J.

1. On the oral request of Sri S.P. Singh, learned counsel for the writ petitioner, Smt. Preeti and Dr. Mithilesh Gautam are permitted to be impleaded as the third and fourth respondents during the course of the day.

2. The case of the writ petitioner is that the petitioner No. 1, Lala Lajpat Rai Kanya Inter College, Dankaur, District Gautam Budh Nagar is an institution recognized under the provisions of Intermediate Education Act, 1921 and the provisions of U.P. Act No. 24 of 1971 stand applicable.

3. As per the writ petitioner, it is a validly elected Committee of Management of the institution in question pursuant to the suspension of one of the regular Principals of the institution in question officiating charge was accorded to Smt. Preeti and the papers in this regard was submitted before the District Inspector of Schools, Gautam Budh Nagar on 02.09.2023, however, despite the fact that the attestation of signature was requested to be made with respect to the third respondent but the same has not been done.

4. Prayer in the present petition is for a direction for issuance of mandamus directing the second respondent to attest the signature of Smt. Preeti is Senior Most Assistant Teacher as Officiating Principal of Lala Lajpat Rai Kanya Inter College, Dankaur, Gautam Budh Nagar.

5. Sri Saurabh, learned Standing Counsel submits that the issue as to whether Smt. Preeti is entitled to be accorded attestation of signature of the Officiating Principal needs determination at the level of the second respondent, District Inspector of Schools, Gautam Budh Nagar he, thus, submits that the writ petitioner may

represent his cause before the second respondent, District Inspector of Schools, Gautam Budh Nagar and he further submits that he does not propose to file any response to the writ petition.

6. Considering the submission of the rival parties as well as the stand taken by them, the writ petition is being disposed of granting liberty to the writ petitioner to prefer a comprehensive representation before the second respondent, District Inspector of Schools, Gautam Budh Nagar through third respondent and on the receipt of the same the second respondent shall decide the entitlement of Smt. Preeti as Officiating Principal whose claim is being espoused by the Committee of Management within a period of two months from the date of production of certified copy of the order bearing in mind the issue with regard to approval, if any, accorded to the suspension of the regularly selected Principal namely, Dr. Mithilesh Gautam. Since Dr. Mithilesh Gautam is not a party in the present proceedings, thus, before taking any decision Dr. Mithilesh Gautam should be informed so as to enable him to put forward his stand.

7. Needless to point out that the writ petition is being decided without seeking any response from the respondents, thus, the passing of this order may not be construed to be an expression that this Court has adjudicated the matter on merits.

Order Date :- 16.10.2023

Rajesh