

Court No. - 35

Case :- WRIT - A No. - 16475 of 2023

Petitioner :- Rajesh Kumar Yadav

Respondent :- State Of U.P. And 3 Others

Counsel for Petitioner :- Jitendra Kumar Srivastava

Counsel for Respondent :- CSC

Hon'ble Vikas Budhwar,J.

Heard Sri Jitendra Kumar Srivastava, learned counsel for the petitioner and Sri Manoj Vashistha, learned Standing Counsel, who appears for respondents 1, 2 and 3.

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

The case of the writ petitioner is that the fourth respondent, Inter College, Meethepar, District Jaunpur is an institution recognised under the provisions of U.P. Intermediate Education Act, 1921 and the provisions of U.P. Act No.24 of 1971 stands applicable.

As per the writ petitioner on account of vacancy arisen he was subjected to selection and approval order was accorded by the third respondent, District Inspector of Schools, Jaunpur on 24.10.1998 and the writ petitioner assumed the charge on 24.10.1998 however, on the pretext that some certain inquiries regarding the appointment of the writ petitioner was under way the salary of the writ petitioner was stopped and w.e.f. 10.3.1999 the writ petitioner claims to have preferred Writ-A No.38124 of 2014 in which an order was passed on 20.8.2014 requiring the second respondent to take decision who in turn took a decision on 21.3.2015 granting benefit to the writ petitioner for according approval and payment of salary from the passing of the order and the said orders stood modified on 26.3.2015 making the writ petitioner entitled to the said benefit and the post of Class-IV w.e.f. April, 2012. However according to the writ petitioner he has not been paid salary prior to April, 2012 from the date of his joining.

Prayer in the present petition is for a direction to the second respondent, District Inspector of Schools, District Jaunpur to accord consideration to the claim of the writ petitioner.

Sri Manoj Vashistha, learned Standing Counsel, who appears for respondents 1, 2 and 3 on the other hand submits that the issue as to whether the writ petitioner is entitled to the said benefits needs determination at the instance of the second respondent who shall look into the entitlement of the writ petitioner in the light of the approval orders dated 23.3.2015 and 26.3.2015 of the second respondent, District Inspector of Schools, District Jaunpur and also the issue with regard to the impact of delay and latches and also the non challenge to the said orders in the light of the decision in the case of **Mushibai Jagdish vs. Bhavnagar Munisipal Corporation JD 2022 (5) SC 470** after putting the notice to the fourth respondent in accordance with law.

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

Considering the submissions of the learned Standing Counsel, the writ petition is being disposed off without seeking any response from the respondents granting liberty to the writ petitioner to prefer a comprehensive representation along with the self-attested copy of the writ petition before the second respondent, District Inspect of Schools, Jaunpur, who shall on the receipt of the same, the second respondent shall put to notice to the fourth respondent thereafter proceed to decide the entitlement of the petitioner strictly in accordance with law bearing in the mind the nature of the appointment of the writ petitioner, the continuance of writ petitioner, approval if any as well as issue with regard to the delay and latches as sought to be argued by learned Standing Counsel within a period of three months from the date production of certified copy of the order.

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.

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

Order Date :- 17.10.2023

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