

Court No. - 35

Case :- WRIT - A No. - 16471 of 2023

Petitioner :- Santosh Kumar Ram

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

Counsel for Petitioner :- Bhawesh Pratap Singh

Counsel for Respondent :- CSC

Hon'ble Vikas Budhwar,J.

This Court will entertaining this writ petition on 18.10.2023 proceeded to pass the following order:-

"The contention of the learned counsel for the writ petitioner is that he had applied in pursuance of an advertisement no.1 of 2021 for selection and the appointment on the post of Trained Graduate Teacher Male SC Category Subject-Art and his name finds place in the list of the final selectees at serial no.83 though there happens to be the communications of the District Inspector of Schools, Mau dated 16.11.2021 addressed to the fourth respondent for according placement to the writ petitioner therein however despite the fact that the writ petitioner approached the said institution on 22.11.2022 document whereof is at page 39 of the paper book and there happens to be communication of the District Inspector of Schools, Mau dated 8.4.2022 but he has not been accorded placement however in the meantime on 1.9.2023 the fifth respondent has been posted therein against the post which was allocated to the writ petitioner.

While relying upon para 20 of the writ petition it is submitted that the appointment and the placement of the writ petitioner has not been cancelled till date, thus according to him in the wake of the document which is at page 47 relevant extract at page 50 issued from the office of the Director of Education Madhyamik until and unless the placement is cancelled the writ petitioner has a claim over the post in question.

Sri Shailendra Singh, learned Standing Counsel who appears for the respondents no. 1 to 3 seeks time to obtain instructions in the light of the fact as to which would be the authority who is to addressed to the claim of the writ petitioner post enactment of U.P. Act No.15 of 2023 which came into effect from 21.8.2023.

On his request put up this case as a fresh case on 2.11.2023."

Today the instructions have been forwarded by Sri Saurabh learned Standing Counsel on behalf of District Inspector of Schools, Mau that the candidature of the writ petitioner has been rejected and thus posting has been accorded to the fifth respondent. A copy of the instructions is being handed over to the learned counsel for the writ petitioner. The same is marked as Appendix-A.

At this stage, Bhawesh Pratap Singh learned counsel for the writ petitioner submits that the writ petition is dismissed as withdrawn with liberty to challenge the said orders.

Since learned Standing Counsel has no objection to the same.

Accordingly, the writ petition is **dismissed** as withdrawn with liberty to file fresh.

Order Date :- 2.11.2023

piyush