

Court No. - 52

Case :- WRIT - C No. - 34338 of 2023

Petitioner :- Maulana Abdul Kalam Azad Memorial Junior High School

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

Counsel for Petitioner :- Ashish Kumar Singh, Dinkar Lal

Counsel for Respondent :- C.S.C., Sunil Kumar Singh

Hon'ble Saurabh Srivastava, J.

1. Heard Sri Ashish Kumar Singh, learned counsel for petitioner and learned Standing Counsel for the State-respondents and Sri Sunil Kumar Singh, learned counsel for respondent no. 5.

2. Present writ petition has been filed seeking following reliefs:

"a. Issue a writ, order or direction in the nature of certiorari to call for the record quash and set aside the order dated 16.06.2023 passed by respondent no. 2 Commissioner, Meerut Division, Meerut in Case no. 957 of 2023 (Maulana Abdul Kalam Azad Memorial Junior High School Vs. State of U.P. and others) to the extent whereby instead of passing an order on the application for stay of the order passed by Additional District Magistrate (Administration), Meerut in Case no. 9461 of 2022, the respondent no. 2 merely issued notices by fixing 15.12.2023.

b. Issue a writ, order or direction in the nature of mandamus commanding the respondent authorities particularly respondent no. 2 Commissioner, Meerut Division, Meerut to decide Revision and in the meanwhile the effect and operation of the order dated 06.06.2023 (Annexure no. 13) passed by Additional District Magistrate (Administration), Meerut in Case no. 9461 of 2022 (State Vs. Maulana Abdul Kalam Azad Memorial Junior High School) may remain stayed."

3. Learned counsel for petitioner submits that grievance of petitioner would sufficiently be met in case the interim stay application dated 16.06.2023 preferred by the petitioner in Revision no. 41 of 2023 (Maulana Abdul Kalam Azad Memorial Junior High School vs. State of U.P. through Collector, Meerut and another) is considered and decided in a time bound manner by respondent no. 2.

4. Learned Standing Counsel submits that no useful purpose would be served in keeping the writ petition pending and an appropriate direction may be issued to respondent no.2 to consider the grievance of the petitioner.

5. Be that as it may, without entering into the merits of the case as well as if there is no other legal impediment available, the respondent no.2 (Commissioner, Meerut Division, Meerut) is hereby directed to consider and decide the stay application dated 16.06.2023 preferred by the petitioner in Revision no. 41 of 2023 (Maulana Abdul Kalam Azad Memorial Junior High School vs. State of U.P. through Collector, Meerut and another), as expeditiously as possible, preferably within a period of one month from the date of production of certified copy of this order, after affording proper opportunity of hearing to all the parties. However, it is made clear that for the next one month from today, no coercive action shall be taken against the petitioner.

6. With the aforesaid directions, the writ petition is **disposed of**.

Order Date :- 13.10.2023

Shaswat