

Court No. - 35

Case :- WRIT - A No. - 16975 of 2023

Petitioner :- Munishwardutt Snatkottar Mahavidyalaya Pratapgarh

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

Counsel for Petitioner :- Alok Mishra

Counsel for Respondent :- C.S.C.

Hon'ble Vikas Budhwar,J.

Heard Sri Alok Mishra, learned counsel for the petitioner and Sri Shailendra Singh, the learned Standing Counsel, who appears for Respondent Nos. 1, 2 and 3.

The case of the writ petitioner is that it being Munishwardutt Snatkottar Mahavidyalaya, Pratapgarh is an Institution, recognized and affiliated to Prof. Rajendra Singh (Rajju Bhaiya) University, Prayagraj. In paragraph-5 of the writ petition, a chart detailing the number of vacancies have been shown, which according to the writ petitioner is lying vacant. It is the further case of the writ petitioner that pursuant to an exercise undertaken by the second respondent, Director, Higher Education (Directorate), U.P. Prayagraj, the permission was sought in the prescribed proforma with regard to the number of vacancies, which are lying vacant.

The writ petitioner claims to have submitted the required inputs. However, in paragraph-7, it has been asserted that it has been informed to the writ petitioner that pursuant to the Government Orders 15.03.2012 and 11.07.2013, a ban has been imposed, thus permission cannot be accorded for filling up the said post. The writ petitioner submits that the issue with regard to the import and impact of the ban imposed on 15.03.2012 and 11.07.2013 was subject matter of challenge before this Court in Writ-A No.26271 of 2018 (C/M Mahatma Gandhi Shanti Smarak Degree College, Ghazipur and another Vs. State of U.P. and others), decided on 09.01.2019, whereby the said objection was not approved by this Court, against which a Special Appeal no. 198 of 2020 (Prayag Mahila Vidyapeeth Degree College Vs. State of U.P. and others) decided on 11.05.2022.

Prayer in the present petition is for a mandamus directing the respondents to forthwith consider the requisition of the vacancies and permit the writ petitioner to fill up the post of Routine Grade Clerk, Library Clerk, Lab Assistant and Assistant appointed in the petitioner-Institution.

Sri Shailendra Singh, learned Standing Counsel, who appears

for the official State respondents submits that the issues, which the writ petitioner is seeking to raise with relation to the stand taken by the respondents with respect to the ban imposed on 15.03.2012 and 11.07.2013 has not been recited in any manner passed in black and white. However, he submits that in case according to the writ petitioner, these are the grounds, then it is open for the writ petitioner to approach the second respondent taking aid of these judgments and rely upon the same and convince the second respondent. He further submits that he does not propose to file any response to the writ petition.

To such a submission, learned counsel for the writ petitioner has no objection 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, Director, Higher Education (Directorate), U.P. Prayagraj 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 bearing in mind the judgments, which the writ petitioner seeks to rely upon within a period of six weeks from the date of production of certified copy of the order.

Needless to point out that the writ petitioner 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 adjudicated the matter on merits.

With the aforesaid observations the writ petition stands **disposed off**.

Order Date :- 3.11.2023

N.S.Rathour