

Court No. - 35

Case :- WRIT - A No. - 16625 of 2023

Petitioner :- Minakshi Sharma

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

Counsel for Petitioner :- Sharda Prasad Mishra, Sonal Bharti

Counsel for Respondent :- C.S.C., A.S.G.I., Ugrasen Kumar Pandey

Hon'ble Vikas Budhwar, J.

1. On the oral request of the learned counsel for the writ petitioner Atomic Energy Education Society and Sri Arbind Kumar are being permitted to be impleaded as fifth and sixth respondents during the course of the day.

2. Heard Ms. Sonal Bharti, learned counsel for the writ petitioner as well as Sri Ugrasen Kumar Pandey, who appears for respondents No. 4 & 5 and Sri H.K. Shukla, learned Standing Counsel who appears for respondents No. 1 to 3.

3. In view of the order which is being proposed to be passed today, notice is not being issued to the sixth respondent.

4. The case of the writ petitioner is that pursuant to the recruitment exercise undertaken by the Atomic Energy Education Society (regd.) (Autonomous Body under the Department of Atomic Energy, Govt. of India) recruitment was sought to be made for various posts including the post of TGT Maths/Physics the writ petitioner as well as the sixth respondent along with others applied for the said post as many as 21 posts advertised in the said category and one post was earmarked for OH category. It is the case of the writ petitioner that a list of selected candidates was published wherein the name of the writ petitioner found place in the waiting list as well as the name of the sixth respondent found place in the merit list. It is the allegation of the writ petitioner that the sixth respondent does not belong to OH Category and further he is also not belonging to reserve category. She claims to have preferred representations/objections before the authority but they

are in vain.

5. Prayer in the present petition is for a direction to take remedial action and to consider the appointment of the writ petitioner and in the alternative to decide the representation of the writ petitioner.

6. Sri H.K. Shukla, learned Standing Counsel as well as Sri Ugrasen Kumar Pandey, learned counsel submits that the issue which the writ petitioner is seeking to raise would be decided by the fifth respondent through its competent authority according to him, the writ petitioner may represent his cause before the fifth respondent, they further submits that they do not propose to file any further response.

7. Considering the submission of the rival parties as well as the stand taken by them, the writ petition is being disposed of without seeking any response from the respondents granting liberty to the writ petitioner to approach the fifth respondent by filing the comprehensive representation along with the self attested copy of the writ petition and on the receipt of the same the fifth respondent shall decide the same after putting to notice the sixth respondent looking into the entitlement of the sixth respondent under OH Category and reserve category within a period of three months from the date of production of certified copy of the order, if already not decided earlier.

8. Thus, passing of this order may not be construed to be an expression that this Court has adjudicated on the merits of the matter.

9. With the aforesaid observations, the writ petition stands disposed of.

Order Date :- 18.10.2023

Rajesh