

Court No. - 35

Case :- WRIT - A No. - 16613 of 2023

Petitioner :- Pankaj Kumar

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

Counsel for Petitioner :- Ankit Kumar Rai

Counsel for Respondent :- C.S.C.,Kripa Shanker Pandey

Hon'ble Vikas Budhwar,J.

1. Heard Sri Ankit Kumar Rai, learned counsel for the writ petitioner as well as Sri Saurabh, learned Standing Counsel who appears for respondents No. 1 to 3 and Sri Kripa Shanker Pandey, learned counsel who appears for respondent No. 5.

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

3. The case of the writ petitioner is that he is the Senior Most Assistant Teacher of the fourth respondent-institution, Bisen Inter College, Basudeopur, Ghazipur. He claims to have been appointed on compassionate basis as Assistant Teacher, he further claimed that he is Senior Most, however, his grievance is that the fifth respondent has been made officiating principal since 21.07.2023 and he is working in the post in question sidetracking the claim of the writ petitioner.

4. Prayer in the present petition is for a direction to the respondents to consider the claim of the writ petitioner as an Officiating Principal.

5. Sri Pandey, learned counsel who appears for the fifth respondent submits that his client, Smt. Akanksha Maurya is already officiating since 21.07.2023, however, the writ petitioner does not possess the necessary qualifications, thus, he has rightly not been made the officiating principal of the institution in question.

6. Sri Saurabh, learned Standing Counsel also adopts the arguments of the learned counsel for the writ petitioner, they further submit that they did not propose to file any response, however, in case, the writ petitioner has any grievance, he can represent the matter before the third respondent, District Inspector of Schools, Ghazipur.

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 third respondent, District Inspector of Schools, Ghazipur by filing a comprehensive representation along with the self attested copy of the writ petition and on the receipt of the same the third respondent, District Inspector of Schools, Ghazipur shall put to notice the fifth respondent and thereafter consider the claim of the writ petitioner within a period of three months from the date of production of certified copy of the order.

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