

Court No. - 35

Case :- WRIT - A No. - 16851 of 2023

Petitioner :- Sahabram

Respondent :- State Of U.P. And 6 Others

Counsel for Petitioner :- Ram Krishna Patel,Rajesh Kumar

Counsel for Respondent :- C.S.C.

Hon'ble Vikas Budhwar,J.

Heard Sri Rajesh Kumar, learned counsel for the writ petitioner and Sri Pradeep Kumar Sahi, learned Additional Chief Standing Counsel who appears for the respondents no. 1 to 5.

In view of the order which is being proposed to be passed notices are not being issued to the respondents no. 6 and 7.

The case of the writ petitioner is that the respondent no. 6, Sri Tilak Vidyalaya Inter College, Firozabad is an institution recognised under the UP Intermediate Education Act, 1921 and the provisions of UP Act No. 5 of 1982 and 24 of 1971 stands applicable.

According to the writ petitioner pursuant to the recruitment exercise undertaken against advertisement number 1 of 2009, the writ petitioner got selected on the post of Assistant Teacher (Hindi). He was accorded appointment on 9.9.2010 and joined the institution in question on 14.9.2010. In para 8 of the writ petition, the writ petitioner claims to be fully eligible and qualified for being promoted on the post of lecturer Sanskrit and in para 9, it is further asserted that there are 11 posts of lecturers sanctioned in the institution in question. Though the writ petitioner in various paragraphs of the writ petition claims that juniors to the writ petitioner have been promoted but according to the writ petitioner the post of Lecturer (Hindi) is vacant and thus in exercise to which undertaken under Rule 14 of 1998 Rules for consideration of the claim of the promotion.

Prayer in the present petition is for a direction to consider the case of the writ petitioner for promotion on the post of Lecturer (Hindi). Sri Pradeep Kumar Sahi, learned Additional Chief Standing Counsel who appears for the respondents no. 1 to 5 submits that the issue as to whether the writ petitioner is entitled to be considered for promotion needs determination at the first instance

by respondent no. 4, Joint Director of Education, Secondary Education, Agra Region, Agra who is also a member of the committee constituted for promotion issues. According to him the writ petitioner may approach respondent no. 4 in that regard.

He further submits that he does not proposed to file any response to 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 stand taken by them the writ petition is being disposed of granting liberty to the writ petitioner to prefer a comprehensive representation before the respondent no. 4 who shall thereafter transmit the papers to the competent authority who shall decide the claim of the writ petition after putting on notice to respondents no. 6 and 7 and all other deserving candidates who come within the zone of consideration, obviously, subject to the suitability, eligibility of the writ petitioner and the other candidates as well as vacancy in that regard.

Needless to point out that this court has not adjudicated on the merits of the case.

Order Date :- 13.10.2023

S.A.