

Court No. - 36

Case :- WRIT - A No. - 16917 of 2023

Petitioner :- Durgesh Kumar Verma

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

Counsel for Petitioner :- Abnish Kumar

Counsel for Respondent :- C.S.C., Jagdamba Prasad Singh

Hon'ble Manjive Shukla, J.

1. Heard learned counsel appearing for the petitioner, learned Standing Counsel appearing for the Respondent No. 1 and Smt. Archana Singh, learned counsel appearing for the Respondents No. 2 & 3.

2. Petitioner through this writ petition has prayed for a direction from this court thereby commanding the respondents to consider the case of the petitioner for his compassionate appointment on Class-III post according to his qualifications.

3. Learned counsel appearing for the petitioner has invited attention of this court towards letter dated 14.06.2023 sent by the District Basic Education Officer, Bareilly wherein it has been categorically mentioned that there are no vacant Class-III posts and therefore, petitioner if chooses, may give his option for compassionate appointment on a Class-IV post, and once petitioner gives his option his case for compassionate appointment against the Class-IV post shall be considered.

4. Learned counsel appearing for the petitioner after arguing at some length has confined his prayer to the effect that petitioner is ready for his compassionate appointment on a Class-IV post, therefore, he may be permitted to submit his option to District Basic Education Officer, Bareilly for compassionate appointment on a Class-IV post and a direction be issued to District Basic Education Officer, Bareilly to consider and decide petitioner's claim for compassionate appointment on a class-IV post within a fixed time frame.

5. Smt. Archana Singh, learned counsel appearing for the Respondents No. 2 & 3 has very fairly submitted that District basic Education Officer himself vide letter dated 14.06.2023 has granted liberty to petitioner to apply for compassionate appointment on a

Class-IV post and therefore, if petitioner requests for appointment on a Class-IV post, definitely District Basic Education Officer, Bareilly shall proceed to consider and decide his claim for compassionate appointment.

6. In view of the aforesaid submissions advanced by the learned counsels appearing for the parties, this writ petition is finally ***disposed of*** with liberty to petitioner to submit his option for compassionate appointment on a Class-IV post within a period of three weeks from today and if the said option is submitted by the petitioner, the District Basic Education Officer, Bareilly is directed to consider and decide petitioner's case for compassionate appointment on a Class-IV post within a period of three months from the date of presentation of certified copy of this order.

Order Date :- 29.11.2023

Gaurav