

Court No. - 35

Case :- WRIT - A No. - 16772 of 2023

Petitioner :- Manoj Kumar Sehgal

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

Counsel for Petitioner :- Ram Krishna Patel, Ajay Kumar Kashyap, 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 Shailendra Singh, learned Standing Counsel, who appears for respondents 1 to 5.

In view of the order, which is being proposed to be passed today, notices are not being issued to the sixth and seventh respondents.

The case of the writ petitioner is that the writ petitioner was appointed on the post of Assistant Teacher, L.T. Grade in the sixth respondent institution, K.D.E.M. Inter College, Bareilly on 3.5.1997. It is the further case of the writ petitioner that he was promoted on the post of Lecturer (Commerce) and he was directed to be accorded posting however the posting was not accorded to him as per the time schedule but he was allowed to join on 15.12.2008, he claims to have been paid the allowances also. As per the writ petitioner without there being any preparation of the seniority list as per the regulations by virtue of the Government Orders dated 7.9.2022, 16.8.2022 and 19.8.2023 an exercise is being undertaken to transfer him to any other institution despite the fact that the juniors would be retained and in case the seniority list is prepared then the actual position will come in surface.

Prayer in the present petition is for a mandamus commanding and directing the respondents not to adjust the petitioner in any other institution and decide the representation.

Sri Shailendra Singh, learned Standing Counsel submits that once a seniority list is not being prepared then it is for the writ petitioner to take appropriate remedy however the relief as couched in the present writ petition not to transfer him in pursuance of the said Government Order is a premature and the writ petition at this instance is not maintainable,

Considering the submissions of the rival parties the writ petition is **consigned to record** leaving it open to the writ petitioner to take appropriate remedy as available in law for the grievances raised with respect to preparation of the seniority list and this Court has no reason to disbelieve that in case such a claim is raised by the writ petitioner, it will be considered with most expedition as per the rules after putting to the effected parties under notice.

Order Date :- 7.11.2023

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