

Court No. - 35

Case :- WRIT - A No. - 16996 of 2023

Petitioner :- Ramendra Singh

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

Counsel for Petitioner :- Nand Lal Pandey, Suyash Pandey

Counsel for Respondent :- C.S.C

Hon'ble Vikas Budhwar,J.

On the oral request of learned counsel for the writ petitioner, he is permitted to implead Regional Level Committee as fifth respondent.

Heard Sri Suyash Pandey, learned counsel for the petitioner and Sri Shailendra Singh, learned Standing Counsel, who appears for the Respondent Nos. 1, 2, 3 and 5.

In view of the order, which is being proposed to be passed today, notices are not being issued to Respondent No.4.

The case of the writ petitioner is that he was appointed on the post of Assistant Teacher, L.T. Grade on 03.10.1992 in Rashtriya Intermediate Inter College, Moradabad and by virtue of the order dated 21.03.1998, he was transferred from the said Institution by Addl. Director of Education, U.P. to the fourth respondent Institution, Sri Kanhaiya Lal Ram Saran Rastogi Inter College, Farrukhabad. The writ petitioner claims that his case is covered under Section 33G of U.P. Secondary Education Services Selection Board 1982. He further submits that there is a resolution of the Committee of Management recommending his case for regularization and the papers have been forwarded to the Institution by the District Inspector of Schools, Farrukhabad, who in turn has forwarded the same to the second Respondent, Joint Director of Education, Kanpur Region, Kanpur.

Prayer in the present petition is for a direction for consideration of the claim of the writ petitioner for regularization.

Sri Shailendra Singh, learned Standing Counsel who appears for the Respondent Nos. 1, 2, 3 & 5 submits that in the wake of the provisions contained under U.P. Act no. 15 of 2023, now U.P. Act No.5 of 1982 stands repealed. However, according to him, the law does not contemplate vacuume and thus it is his submission, that the writ petitioner may approach the fifth respondent, who shall

consider the grievance of the writ petitioner for regularization in terms of law which would govern the field in that regard. He further submits that he does not propose to file any response to the 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 the stand taken by them, the writ petition is being disposed off without seeking any response from the respondents granting liberty to the writ petitioner to approach the fifth respondent, along with a comprehensive representation accompanied with self-attested copy of the writ petition, who shall, on the receipt of the same, put to notice the fourth respondent and shall proceed to decide the claim of the writ petitioner within a period of two months from the date of production of certified copy of the order.

Needless to point out that the writ petitioner has been decided without seeking any response from the respondents, thus passing of this order may not be construed to an expression that this Court has adjudicated the matter on merits.

With the aforesaid observations the writ petition stands **disposed off**.

Order Date :- 3.11.2023

N.S.Rathour