

Court No. - 35

Case :- WRIT - A No. - 16801 of 2023

Petitioner :- Km Seema Lliyas

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

Counsel for Petitioner :- Kushmondeya Shahi, Tanuj Shahi

Counsel for Respondent :- CSC

Hon'ble Vikas Budhwar, J.

Heard Sri Tanuj Shahi, learned counsel for the petitioner and Sri Shailendra Singh, learned Standing Counsel, who appears for respondents 1, 2 and 3.

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

The case of the writ petitioner is that fourth respondent, Niswan Inter College, Paharpur, Azamgarh is an institution recognised under the provisions of the U.P. Intermediate Education Act, 1921 and the provisions of U.P. Act No.24 of 1971 stands applicable. As per the writ petitioner he was appointed as Assistant Teacher on 12.12.1995 pursuant to the approval order dated 1.8.1995 and the post of Lecturer (Psychology) fell vacant on 31.3.2018. The exercise was undertaken in the year 2022 whereby the recommendations were sent for making promotion on the said post according to the writ petitioner since recommendation on 8.6.2022 before the second respondent, Joint Director of Education Azamgarh Region, Azamgarh/Regional Committee no action whatsoever has been taken.

Prayer in the present petition is for a direction to the second and third respondents, to approve the recommendation of the Committee of Management for promotion on the post of Lecturer(Psychology).

Sri Santosh Kumar Mishra, learned Standing Counsel submits that the issue as to whether the writ petitioner is entitled to be accorded promotion on the post of Lecturer needs determination by the Committee and according to him the writ petitioner may represent his cause before the respondent no.3 who shall decide the claim of the writ petitioner strictly in accordance with law. He does not propose to file any response to the writ petition.

To such a submission, learned counsel for the petitioner has no objection and he gracefully accepts the same.

Considering the submissions of the rival parties as well as 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 prefer a comprehensive representation along with the self-attested copy of the writ petition before the third respondent, District Inspector of Schools Azamgarh, who shall on the receipt of the same, thereafter proceed to decide the entitlement of the petitioner strictly in accordance with law and in case the matter needs to be addressed by the Committee itself that the matter be transmitted to it. The said exercise is to be taken within a period of three months from the date of presentation of the certified copy of the order strictly in accordance with law putting to notice the fourth respondent and also the claim of the deserving and eligible candidates who comes within the zone of the consideration in that regard.

Needless to point out that the writ petition 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 gone into the merits of the case.

With the aforesaid observation, the writ petition is **disposed off**.

Order Date :- 13.10.2023

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