

Court No. - 35

Case :- WRIT - A No. - 16886 of 2023

Petitioner :- Anuj Kumar

Respondent :- State Of U.P. And 5 Others

Counsel for Petitioner :- Jayant Prakash Singh

Counsel for Respondent :- C.S.C

Hon'ble Vikas Budhwar,J.

Heard Ms. Meena Mishra (AOR No.0433/2012), holding brief of Sri Jayant Prakash Singh, learned counsel for the petitioner and Sri H.K. Shukla, the learned Standing Counsel, who appears for Respondent Nos. 1 to 5.

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

The case of the writ petitioner is that the the father of the writ petitioner, namely, Sri Sheesh Ram Singh was appointed as an Assistant Teacher in Government Higher Secondary School, Ranipur Khet Haridwar on 25.01.1998 was transferred in the sixth respondent Institution, Chaudhary Man Singh Government Girls Inter College, Kandela Kairana Shamli, District Shamli, was assigned the duties as an Incharge Principal of the said Institution died in harness on 13.10.2022. The writ petitioner claims to be the legal dependent and armed with the No Objection Certificate from the heirs of the deceased preferred an application on 29.04.2023 followed on 01.06.2023, compassionate appointment being qualified has undergone B.Tech (Civil Engineering), B.Ed. and C.T.E.T.

Grievance of the writ petitioner is that despite the fact that the writ petitioner represented his cause before the respondents, but no action whatsoever has been taken in that regard.

Sri Shukla, who appears for Respondents 1 to 5 has submits that the issue as to whether the writ petitioner is entitled to be accorded the compassionate appointment needs determination by the fifth respondent, District Inspector of Schools, Shamli, District Shamli and the writ petitioner may represent his cause before it. He further submits that he does not propose to file any response to the writ petition.

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, thereafter put to notice the sixth respondent and of course the Committee of Management of the Institution in question and thereafter proceed to decide the entitlement of the writ petitioner for according compassionate appointment strictly in accordance with law bearing in mind the educational qualification, suitability, competing claim etc. within a period of three months from the date of production of certified copy of the order. In case, the fifth respondent is of the opinion that the matter needs to be adjudicated by any other authority, papers be transmitted to the petitioner and the sixth respondent and the office bearers of the Institution be informed in advance so as to facilitate their assistance in the matter for disposal of the claim set up by the writ petitioner.

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 :- 16.10.2023

N.S.Rathour