

Court No. - 35

Case :- WRIT - A No. - 17805 of 2023

Petitioner :- Geeta Devi Alias Geeta Shukla

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

Counsel for Petitioner :- Vinod Kumar Pandey, Akash Mani
Tripathi

Counsel for Respondent :- C.S.C.

Hon'ble Vikas Budhwar, J.

1. Instructions filed today is taken on record and marked as Appendix-A.
2. Supplementary affidavit filed today is taken on record.
3. Heard Sri Vinod Kumar Pandey, learned counsel for the writ petitioner and Sri Shailendra Singh, learned Standing Counsel, who appears for Respondents 1 to 4.
4. Notice on behalf of the seventh respondent has been accepted by the Sri Sashi Prakash Rai.
5. In view of the order, which is being proposed to be passed, notices are not being issued to the fifth respondent.
6. The case of the writ petitioner is that he was engaged as a part time attendant (Anshkalik Paricharak) by the respondent No. 6 i.e. Principal of G.D. Binani P.G. College, Mirzapur and he is working in the institution in question for the past 28 years. The writ petitioner claims for regularization of his services. It is also the case of the writ petitioner that she has preferred Writ A No. 35487 of 2008 questioning the advertisement published on 26.06.2008 for filling up the post of Paricharak.
7. Prayer in the present petition is for a direction to the respondents to regularize the services of the petitioner on the post of Paricharak in G.D. Binani P.G. College, Mirzapur with effect from 04.01.1995 i.e. from the initial date of her appointment and to pay her arrears together with all consequential benefits within stipulated period, which may be fixed by this Hon'ble Court.
8. Learned Standing Counsel as well as the learned counsel

appearing for the respondent No. 7 on the other hand submits that the issue with the writ petitioner is seeking to raise for regularization depends upon statutory provisions, government orders as well as eligibility suitability, the vacancy, if any. He submits that the writ petitioner represent his cause before the Direction of Higher Education, U.P. Lucknow who shall redress to the claim of the writ petitioner, therefore they submit that they do not propose to file any response to the writ petitioner.

9. Considering the submissions of the rival parties as well as stand taken by them, the writ petition is being disposed off granting liberty to the writ petitioner to approach the second respondent Direction of Higher Education, U.P. Lucknow who shall address to the claim of the writ petitioner strictly in accordance with law bearing in mind the provisions providing for regularization of services of the writ petitioner availability of vacancies, eligibility and other incidental and ancillary issue within a period of three months from the date of production of certified copy of this order.

10. 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.

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

Order Date :- 28.11.2023

Suraj Srivastav