

Court No. - 35

Case :- WRIT - A No. - 16960 of 2023

Petitioner :- Shiv Shankar Yadav

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

Counsel for Petitioner :- Sheo Ram Singh, Manoj Kumar Yadav

Counsel for Respondent :- C.S.C.

Hon'ble Vikas Budhwar, J.

Heard Sri Manoj Kumar Yadav, learned counsel for the petitioner and Sri S.K. Mishra 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 there are two sanctioned posts of Assistant Clerk in the College and one Sri Vansh Raj Pandey who was working as Assistant Clerk was promoted as Head Clerk on 23.9.2017. Permission was sought for making selections however the same is stated to have not been granted and thereafter the writ petitioner's claim to have been accorded joining on 17.8.2019 as Assistant Clerk papers whereof was submitted but the approval has not been accorded.

Prayer in the present petition is for a direction to the respondent to consider the case of the writ petitioner for granting approval on the post of Assistant Clerk.

Sri Santosh Kumar Mishra, learned Standing Counsel submits that the issue as to whether the writ petitioner is entitled to be accorded approval needs determination at the level of the third respondent and according to him the writ petitioner may represent his cause before the third respondent who shall decide the claim of the writ petitioner. He further submits that 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 approach the third respondent, District Inspector of Schools, District Jaunpur who shall on the receipt of the same put to notice the fourth respondent and thereafter decide the claim of the petitioner on the basis of the representation accompanied with the self attested copy of the writ petition strictly in accordance with law within a period of three months from the date of presentation of the certified copy of the order bearing in mind the issue relatable to number of sanctioned post, number of vacancies, selection procedure, the approval if any granted (if not) impact, continuance of the writ petitioner as well as the eligibility and suitability of the writ petitioner and the other deserving candidates.

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 :- 16.10.2023

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