

Court No. - 35

Case :- WRIT - A No. - 17740 of 2023

Petitioner :- Gaurav Gupta

Respondent :- State Of Uttar Pradesh And 3 Others

Counsel for Petitioner :- Man Mohan Singh

Counsel for Respondent :- C.S.C.

Hon'ble Vikas Budhwar,J.

Heard Sri Man Mohan Singh, 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 the fourth respondent D.A.V. Inter College Aliganj, Etah 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 and according to him there are three sanctioned post of clerks one of Head Clerk and and two Assistant Clerk and consequent to various post lying vacant. He was appointed as an Assistant Clerk and he was possessed relevant qualifications however approval of the appointment has been stayed by virtue of the order dated 4.12.2017 by the second respondent, Joint Director of Education, Aligarh Division, Aligarh. He submits that till date no final order has been passed and he is suffering a lot.

Learned Standing Counsel submits that the writ petition is anomalously and barred by limitation and it has been passed approximately after six years however according to him since the approval of the appointment of the writ petitioner has been stayed but a final decision is to be taken if it has already not been taken thus the Joint Director of Education, Aligarh Division, Aligarh or any other competent authority who is empowered under the Statute may be directed to decide the claim if already not decided.

Considering the submissions of the rival parties as well as stand taken by them, the writ petition is being disposed off requiring the competent authority either the Joint Director of Education, Aligarh Division, Aligarh or any other competent authority to decide the

issue finally with regard to the approval of the appointment of the writ petitioner within a period of three months from the date of presentation of the certified copy of the order after hearing the writ petitioner as well as the fourth respondent.

The passing of this order is subject to the fact that as per the writ petitioner no final order has been passed and also subject to any legal impediment if any.

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

Order Date :- 20.11.2023

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