

Court No. - 35

Case :- WRIT - A No. - 17004 of 2023

Petitioner :- Manish Tiwari

Respondent :- State Of U.P. And 2 Others

Counsel for Petitioner :- Lokesh Kumar Dwivedi, Anuj Kumar Dwivedi

Counsel for Respondent :- C.S.C.

Hon'ble Vikas Budhwar, J.

Heard Sri Lokesh Kumar Dwivedi, learned counsel for the petitioner and Sri Santosh Kumar, the learned Standing Counsel, who appears for Respondent Nos. 1 and 2.

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

The case of the writ petitioner is that pursuant to the selection conducted on the post of Assistant Teacher, Advertisement No.1 of 2021 by the U.P. Secondary Education Service Board, 1982, the writ petitioner was issued a placement order on 17.11.2021 in the third respondent Institution, K.K. Inter College Kannauj. He joined the post on 30.11.2021. However, it is the case of the writ petitioner that he resigned from the said Institution and he was accorded joining in Nav Bharat Inter College, Shekhpur District Hapur on 17.12.2022.

Grievance of the writ petitioner is that he has not been paid salary from 01.12.2022 to 16.12.2022 for the period spent by him in the third respondent Institution.

Learned Standing Counsel on the other hand submits that the issue with regard to the payment of salary and its entitlement needs determination at the first instance by the second respondent, District Inspector of Schools, Kannauj. He further submits that he does not propose to file any response to the writ petition.

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

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 second respondent, along with a comprehensive representation accompanied with self-attested copy of the writ petition, who shall, on the receipt of the same, put to notice the third respondent and proceed to

decide the claim of the writ petitioner within a period of six weeks from the date of production of certified copy of the order.

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 :- 3.11.2023

N.S.Rathour