

Court No. - 35

Case :- WRIT - A No. - 16973 of 2023

Petitioner :- Aquil Husain

Respondent :- State Of U.P. And 4 Others

Counsel for Petitioner :- Zafeer Ahmad

Counsel for Respondent :- C.S.C.,Manoj Kumar Singh

Hon'ble Vikas Budhwar,J.

Heard Sri Adnan Amir (U/P 5299/2019) holding brief of Sri Zafar Ahmad, learned counsel for the petitioner, Sri Santosh Kumar, the learned Standing Counsel, who appears for Respondent no. 1 and Sri Manoj Kumar Singh has accepted notice on behalf of Respondent Nos. 2 to 4.

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

The case of the writ petitioner is that he is posted as Lecturer in Hewett Muslim Inter College, Moradabad. As per the writ petitioner, a Notification was issued on 07.10.2022 by the N.C.C. Directorate, (U.P.), Ashok Marg, Lucknow for filling up the post of ANO(s) in various petitioner's Institution in 2022. The writ petitioner claims to have participated in the said selection sought to be conducted along with fifth respondent and one Sri Syed Afzal Ali on 30.12.2022, when he was found to be fit, as whereas the fifth respondent and one Sri Syed Afzal Ali were found to be unfit. A document to the said extent has been appended as Annexure-3 at page-35 of the Paper-Book, reference whereof has been given in paragraph-9 of the writ petition. The writ petitioner, in this regard, was waiting for further follow up action, however, he was surprised to receive a communication dated 13.02.2023 under the signature of the Administrative Officer/ Commanding Officer, 23 U.P. BN N.C.C. Moradabad 23 U.P. Vahini, N.C.C. Majhola Mandi, Moradabad, District Moradabad requiring him to appear on 16.02.2023 in the fresh interview. The writ petitioner protested against the same, clearly stating its case that there is no occasion for him to again being subjected for interview, particularly once he has already been selected and found fit. In this regard, the writ petitioner claims to have preferred representation/ application on 22.05.2023, Annexure-6 at page-50, reference whereof has been given in paragraph-17.

It is the further case of the writ petitioner that he has participated in the interview held on 16.12.2023, but he was not declared fit. However, the fifth respondent has been selected

and declared fit. Being aggrieved against the same, the writ petitioner has preferred the present writ petition with a mandamus to decide the representations of the writ petitioner dated 22.05.2023 and 28.08.2023.

Sri Manoj Kumar Singh, who appears for Respondent Nos. 2 to 4 on instructions submits that since the writ petitioner has already represented his cause, and the second respondent is a competent authority to decide the matter. Let the writ petitioner represent his cause before the second respondent. He further made a statement at Bar that he does not propose to file response to the writ petitioner.

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, Addl. Director (Pers B) for A.D.G. N.C.C. Directorate Ashok Marg, Lucknow, U.P. 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 to fifth respondent and the affected parties and thereafter proceed to decide the claim of the writ petitioner within a period of two months from the date of production of certified copy of the order.

Needless to point out that the writ petitioner has been decided on the basis of the concession made by Sri Manoj Kumar Singh, learned counsel for the Respondent Nos. 2 to 4, thus passing of this order may not be construed to an expression that this Court has adjudicated the matter on merits and the second respondent shall decide the matter strictly in accordance with law without being influenced or obsessed by the observations made hereinabove.

With the aforesaid observations the writ petition stands **disposed off.**

Order Date :- 3.11.2023

N.S.Rathour