

Court No. - 35

Case :- WRIT - A No. - 17158 of 2023

Petitioner :- Shri Manish Saxena

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

Counsel for Petitioner :- Raj Kumar Dhama

Counsel for Respondent :- C.S.C., Vivek Kumar Rai

Hon'ble Vikas Budhwar, J.

Heard Sri Raj Kumar Dhama, learned counsel for the petitioner as well as Sri S.K. Mishra, learned Standing Counsel, who appears for respondents 1, 2 and 3 and Sri Ravi Prakash (AOR No.0956/2018) holding brief of Sri Vivek Kumar Rai learned counsel for the respondent no.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 was appointed under Uttar Pradesh Recruitment of Dependents of Government Servants Dying in Harness Rules, 1974 on the post Clerk on 18.6.1996 in Narayan College Sikohabad, District Sikohabad which is affiliated to Dr. B.R. Ambedkar University, Agra. He owing to seniority persuade Incharge Office Superintendent since 2020 however now without putting to him under notice an order has been passed on 14.9.2023 by the fifth respondent whereby he has been directed to hand over the charge of the Office Superintendent to one Sri Girish Rathour.

Prayer in the present petition is for quashing of the said order.

Sri S.K. Mishra, learned Standing Counsel, who appears for respondents 1, 2 and 3 and Sri Ravi Prakash (AOR No.0956/2018) holding brief of Sri Vivek Kumar Rai learned counsel for the respondent no.4 submit that the issue with the writ petitioner is seeking to raise needs determination at the first instance by the third respondent, Regional Higher Education Officer, Agra, Aligarh Region, Agra and according to them the writ petitioner may represent his cause before the said authority. They do 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 prefer a comprehensive representation along with the self-attested copy of the writ petition before the third respondent, Regional Higher Education Officer, Agra, Aligarh Region, Agra who shall on the receipt of the same, put to notice to the fifth respondent and thereafter proceed to decide the claim of the petitioner strictly in accordance with law within a period of two months from the date of presentation of the certified copy of the order.

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 :- 6.11.2023

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