

Court No. - 35

Case :- WRIT - A No. - 17521 of 2023

Petitioner :- Ramveer Sharma

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

Counsel for Petitioner :- Jitendra Singh

Counsel for Respondent :- CSC

Hon'ble Vikas Budhwar,J.

Heard Sri Jitendra Singh, learned counsel for the writ petitioner and Sri A.K. Mishra, learned Standing Counsel, who appears for respondents 1 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 was initially appointed on the post of JTC Teacher on 12.9.1971 in the fifth respondent institution, Raghuvir Sahai Inter College, Aligarh which is institution recognised under the provisions of U.P. Intermediate Education Act, 1921 and the provisions of U.P. Act No.24 of 1971 stands applicable. As per the writ petitioner her was promoted as a C.T. Grade Teacher on 14.9.1976 and thereafter L.T. Grade Teacher on 27.4.1987 and further promoted on the post of Lecturer on 12.2.1999. Consequent to the retirement of one Sri Satish Chandra Gupta who was working as Acting Principal on 30.6.2006 though the writ petitioner claims to be the senior most he was not accorded Officiating charge of Principal but the same was extended to one Sri Anil Kumar Saxena who was junior to the writ petitioner so the writ petitioner preferred the Writ Petition No.37688 of 2006 in which the order granting benefits to Sri Anil Kumar Saxena was set aside and a direction was issued on 24.5.2007 for considering the matter afresh pursuant whereto the Joint Director of Education Agra proceeding to pass an order dated 4.6.2007 declaring the writ petitioner to the senior most but the writ petitioner was not accorded officiating charge which led to filing of Writ Petition No.27316 of 2007 which came to be allowed in favour of the writ petitioner and on 15.6.2007 and in pursuance thereof on 28.6.2007 the petitioner was made Officiating Principal and the writ petitioner assumed to charge on 2.7.2007 and in the meantime the writ petitioner superannuated on 6.8.2007 after attaining the age of superannuation. Against the order dated

15.6.2007 passed in Writ Petition No.27316 of 2007 a modification application was preferred by Sri Anil Kumar Saxena wherein on 14.8.2007 the order dated 15.6.2007 was modified and the charge was handed over to Sri Anil Kumar Saxena on 26.8.2007 against which the writ petitioner preferred an intra court Appeal No.803 of 2007 which came to be dismissed against which the writ petitioner preferred Special Leave (Civil Appeal) No.2606 of 2009 which got connected with Civil Appeal No.2249 of 2006 and the same came to be decided on 4.6.2014 entitling the writ petitioner to function as an Officiating Principal beyond 6.8.2007 till the ensuing session i.e. 30.6.2008 and the writ petitioner was made entitled to monetary benefits.

According to the writ petitioner he has been representing his cause before the respondent but to action whatsoever has been taken by the third respondent, Deputy Director of Education, Aligarh Region, Aligarh.

Learned counsel for the writ petitioner submits that the authorities are in contempt also as their conduct is not liable to be appreciated at all and they should be saddled with cost.

Learned Standing Counsel submits that though there happens to be an order of the Hon'ble Apex Court in favour of the writ petitioner laying down the controversy to rest but according to him though the writ petitioner had remedy to approach the Hon'ble Apex Court while filing contempt but according to him the State being a model employer has to act in a transparent and impartial manner and according to him the third respondent shall look into the matter and pass appropriate order in that regard. He further submits that he does not propose to file any response to the writ petition in the peculiar facts and circumstances of the case as emerging out from 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, who shall on the receipt of the same and thereafter decide the cause of the claim/cause of the writ petition within a period of one month from the date of presentation of the certified copy of the order. The order passed today is on the concession

made by the learned Standing Counsel.

Needless to point out that the order passed today shall be complied with after putting to notice the fifth respondent. In case the third respondent is of the opinion that the matter needs to be addressed for any other authority than the papers be transmitted to it with due communication in advance in writing to the writ petitioner and the fifth respondent so as to facilitate disposal of the claim within the time stipulated herein above.

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

Order Date :- 27.10.2023

piyush