

Court No. - 35

Case :- WRIT - A No. - 17659 of 2023

Petitioner :- Priti And 2 Others

Respondent :- State Of U.P. And 3 Others

Counsel for Petitioner :- Ramesh Chandra Dwivedi

Counsel for Respondent :- C.S.C.

Hon'ble Vikas Budhwar,J.

Heard Ms. Richa Dwivedi, Advocate holding brief of Shri Ramesh Chandra Dwivedi, learned counsel for the writ petitioners and Sri Manoj Vashisth, learned Standing Counsel, who appears for Respondents 1 and 2.

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

The case of the writ petitioners is that Shri Anant Intermediate College, Satraon, District Deoria, is an institution recognized under the provisions of U.P. Intermediate Education Act, 1921 and the U.P. Act No. 24 of 1971 stands applicable. As per the writ petitioners, there are various posts like vacant and facing the said shortage, permission was sought from the District Inspector of Schools, Deoria, second respondent, as no permission was accorded so on 21.12.2009 an advertisement was published. It is the case of the writ petitioners that till date despite the fact that the manager of the committee of management of the institution has represented the matter before the second respondent, nothing has been done.

Prayer in the present petition is for a direction to the second respondent to take appropriate action.

Learned Standing Counsel who appears for the respondent Nos. 1 and 2 submits that the writ petition preferred by the writ petitioners

is enormously barred by limitation as the selection is stated to have been made in the year 2009 pursuant to an advertisement and the writ petitioners is before this Court after a period of more than 13 years. He further submits that let the writ petitioners approach the second respondent who shall consider the claim of the writ petitioners strictly in accordance with law thus they do not propose to file any response.

To such a submission, learned counsel for the petitioners 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 petitioners to prefer a comprehensive representation along with the self-attested copy of the writ petition before the second respondent, who shall on the receipt of the same, proceed to decide the claim of the petitioners strictly in accordance with law after putting to notice to the fourth and fifth respondent and bearing in mind the total number of sanctioned posts, vacancies, adherence to the recruitment rules, import and impact of approval if any as well as the question of delay within a period of four 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 :- 3.11.2023/A. Prajapati