

Court No. - 35

Case :- WRIT - A No. - 17440 of 2023

Petitioner :- Mukund Tiwari

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

Counsel for Petitioner :- Gopal Ji Rai

Counsel for Respondent :- C.S.C.

Hon'ble Vikas Budhwar,J.

Heard Sri Gopal Ji Rai, learned counsel for the petitioner and Sri Shailendra Singh learned Standing Counsel, who appears for respondents 1, 2 and 3.

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

The case of the writ petitioner is that his father namely Late Deenanath Tiwari, since deceased was working as a Principal in Sri Vyantanand Sanskrit Uchcharat Madhyamik Vidyalay Sikanderpur, District Ballia who expired on 19.4.2008. The writ petitioner stakes his claim for compassionate appointment which was subject matter of challenge in Writ-A No.24081 of 2014, Committee of Management Sri Sri Vyantanand Sanskrit Uchcharat Madhyamik Vidyalay Sikanderpur, District Ballia vs State of U.P. & others in which the present writ petitioner has been impleaded as respondent no.4. wherein the order dated 25.1.2014 of the District Inspector of Schools were put to challenge.

According to the writ petitioner due to inadvertent typographical bona fide error the pendency of the writ petition could not be mentioned in the writ petition however he has produced before this Court the copy of the writ petition in entirety.

Learned counsel for the writ petitioner submits that he has been accorded compassionate appointment as Assistant Teacher by virtue of the order of the District Inspector of Schools, Ballia, second respondent on 25.1.2014 and consequent to the retirement of one Sri Devendra Gupta Principal, he was permitted to officiate on 1.4.2022 and his signature has been attested on 3.6.2022.

It is the case of the writ petitioner that he is not being paid salary and the benefits of the Officiating Principal in this regard.

Prayer in the present petition is for a direction to the respondent, to provide the salary to petitioner as an Ad-hoc Principal since 1.4.2022.

Sri Shailendra Singh, learned Standing Counsel has produced before this Court a document under the signature of the District Inspector of Schools, Ballia, second respondent dated 29.9.2023 addressed to the Manager/Principal of the fourth respondent institution whereby inquiry has been set up with regard to the grant of compassionate appointment to the writ petitioner on the premise that the brother of the writ petitioner has already been appointed as Assistant Teacher. He submits that inquiry going on. According to him since the matter is under investigation by the second respondent thus let the second respondent take a decision in this regard and he does 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 second respondent, District Inspector of Schools, Ballia who shall on the receipt of the same, proceed to decide the entitlement of the petitioner for officiating Principal as well as other ancillary and incidental issues which have been brought before this Court within a period of two months from the date of presentation of the certified copy of the order after putting to notice fourth respondent.

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**.

A document filed today kept on record and marked as Appendix-A.

Order Date :- 27.10.2023

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