

Court No. - 35

Case :- WRIT - A No. - 18894 of 2023

Petitioner :- Meenakshi Mishra

Respondent :- State Of U.P. And 5 Others

Counsel for Petitioner :- Ambuj Pandey

Counsel for Respondent :- CSC, Satya Priya Dwivedi

Hon'ble Vikas Budhwar, J.

Heard Sri Ambuj Pandey, learned counsel for the petitioner as well as Sri P.K. Shahi, learned Additional Chief Standing Counsel, who appears for respondents 1 to 4 and Sri A.K. Sharma, learned counsel who appears for the sixth respondent.

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 she was appointed as a Assistant Teacher (Economics) in the fifth respondent institution Nagar Balika Inter College, Kalpi (Jalaun) under The U.P. Recruitment of Dependents of Government Servants Dying in Harness Rules, 1974 post death of her husband who was working as a Clerk, she claims that she has been sanctioned selection grade and she claims to be fully eligible and qualified for being promoted as Lecturer (Economics), however the said post is being sought to be filled up by mode of promotion while transferring the sixth respondent to the fifth respondent institution.

Questioning the order dated 28.9.2023 passed by the District Inspector of Schools, Jalaun, fourth respondent the writ petitioner submits that the District Inspector of Schools, Jalaun, fourth respondent has constituted a three member committee with regard to the inter se claims of the writ petitioner and the sixth respondent as on one hand the writ petitioner claims that the post is earmarked under promotion quota as whereas the sixth respondent claims that the post is to be filled up by mode of transfer. He further submits that a decision be taken by the three member committee as his chances for promotion is being jeopardised by an incumbent who is not entitled for the said benefit.

Sri P.K. Shahi, learned Additional Chief Standing Counsel, who appears for respondents 1 to 4 and Sri A.K. Sharma, learned counsel who appears for the sixth respondent submit that they

have no objection in case a decision is taken by the three member committee constituted on 31.7.2023 under the orders of the fourth respondent, District Inspector of Schools, Jalaun at Orai.

Considering the submissions of the rival parties, the writ petition is being disposed off directing the fourth respondent, District Inspector of Schools, Jalaun at Orai to take adequate steps while issuing appropriate directions for giving logical end to the inquiry proceedings sought to be initiated by virtue of the order dated 31.7.2023 within a period of two months from the date of presentation of the certified copy of the order. In case any adverse order is passed that the parties are at liberty to approach this Court.

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

Order Date :- 21.11.2023

piyush