

Court No. - 35

Case :- WRIT - A No. - 17620 of 2023

Petitioner :- Anil Kumar Yadav

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

Counsel for Petitioner :- Seemant Singh

Counsel for Respondent :- C.S.C., Vibhanshu Vaibhav

Hon'ble Vikas Budhwar, J.

1. Heard Sri Seemant Singh, learned counsel for the writ petitioner and Sri Awadhesh Kumar Mishra, learned Standing Counsel who appears for respondents No. 1 to 4.

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

3. The case of the writ petitioner is that pursuant to an Advertisement No. 1 of 2021 published by Secretary, U.P. Secondary Education Service Selection Board, Prayagraj, recruitment exercise was undertaken for filling up the Post Graduate Teacher/Lecturer in the subject Hindi. It is the case of the writ petitioner that in pursuance of the selection, the writ petitioner and the sixth respondent applied under OBC Category as whereas the name of the writ petitioner in the waiting list found place at serial No. 30 and sixth respondent at serial No. 49. It is further the case of the writ petitioner that in the result so declared appended as Annexure 1 at page 26 relevant extract at page 31 of the paper book, the writ petitioner was awarded 393.5449 as well as the sixth respondent whose name found place at serial No. 34 under OBC Category 393.0449. Learned counsel for the writ petitioner while further inviting the attention of the Court towards page 62 of the paper book relevant extract at page 65 submits that initially one Sri Raj Kiran Yadav son of Rama Shankar Yadav was allotted the fifth respondent-institution, Dr. S.M. Inter College, Bhitari, Ghazipur, however, he did not join but now the sixth respondent has been accorded joining and she is posted there at, the writ petitioner claims that once he has obtained higher marks then he ought to have been granted placement in the said institution and not the respondent, he seeks to rely upon the averments contained in para 8 as well as the representation which he claims to have preferred Annexure 5 at page 90.

4. Prayer in the present petition is for a direction to the respondents to consider the claim of the writ petitioner in the light of the provisions contained under Rule 13 of the U.P. Secondary Education Service Selection Rules, 1998.

5. Sri Awadhesh Kumar Mishra, learned Standing Counsel who appears for official respondents submits that the issues which the writ petitioner is claiming to raise needs consideration at the first instance by the fourth respondent, District Inspector of Schools, Ghazipur. The writ petitioner may represent his cause before the fourth respondent. He further submits that he does not propose to file any response to the writ petition.

6. To such a submission, learned counsel for the writ petitioner has no objection and he gracefully accepts the same.

7. Considering the submission of the rival parties as well as the stand taken by them, the writ petition is being disposed of granting liberty to the writ petitioner to approach the fourth respondent, District Inspector of Schools, Ghazipur by filing a comprehensive representation along with the self attested copy of the writ petition and the fourth respondent on the receipt of the same shall put to notice the fifth and sixth respondents and thereafter proceed to decide the entitlement of the writ petitioner within a period of two months from the date of production of certified copy of the order, in case, the fourth respondent, District Inspector of Schools, Ghazipur is of the opinion that the matter needs to be addressed by any other authority then the paper be transmitted to the said authority with due communication to the writ petitioner and the fifth and sixth respondents.

8. Needless to point out that this Court has not adjudicated on the merits of the matter.

Order Date :- 3.11.2023

Rajesh