

Court No. - 35

Case :- WRIT - A No. - 17555 of 2023

Petitioner :- C/M Veer Shivaji Intermediate College

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

Counsel for Petitioner :- Ram Prasad Dubey

Counsel for Respondent :- C.S.C.

Hon'ble Vikas Budhwar,J.

Heard Sri Ram Prasad Dubey, learned counsel for the petitioner and Sri S.K. Mishra learned Standing Counsel, who appears for respondents 1 to 4.

The case of the writ petitioner is that there happens to be an institution Veer Shivaji Intermediate College, Sarahari, Gorakhpur which is recognised under the provisions of U.P. Intermediate Education Act, 1921 and the provisions of U.P. Act No.24 of 1971 stands applicable. The said institution has an attached primary school which was granted recognition by the Board on 29.7.1972. A Government Order is stated to have been issued in the year 1989 whereby the payment of salary to the teachers and non teaching staff with the primary section have been put to under grant in aid. It is further the case of the writ petitioner that as many as 24 Assistant Teachers according to the sanctioned strength is on the same and only seven posts are being manned rest are lying vacant.

The writ petitioner claims to have approached the authority for according permission to make selection and appointment in this regard as the interest of the institution in question is being jeopardised.

Prayer in the present petition is for a direction to the respondents to take appropriate decision on.

Learned Standing Counsel submits that let the writ petitioner represents his cause before the fourth respondent who shall decide the claim of the writ petitioner. He further submits that 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 fourth respondent, District Inspector of School, Gorakhpur who shall on the receipt of the same, proceed to decide the claim of the petitioner strictly in accordance with law within a period of three months from the date of presentation of the certified copy of the order. In case the fourth respondent is of the opinion that the matter needs to be addressed by any other authority then the papers needs transmitted with due communication to the writ petitioner.

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

piyush