

Court No. - 35

Case :- WRIT - A No. - 17670 of 2023

Petitioner :- Dr. Arun Kumar Maurya

Respondent :- State of U.P. and Another

Counsel for Petitioner :- Santosh Kumar Pandey, Seema
Srivastava

Counsel for Respondent :- C.S.C.

Hon'ble Vikas Budhwar, J.

Heard Shri Santosh Kumar Pandey, learned counsel for the writ petitioner and Shri Shailendra Singh, learned Standing Counsel for the respondent Nos. 1 and 2.

The case of the writ petitioner is that he possesses the academic qualification of M.Sc. (Botany) in the year 2002 Master Degree in the year 2003. He also claims to have passed the Junior Research Fellowship (JRF)- Examination. The writ petitioner further claims to have been appointed as Assistant Professor (Botany) on adhoc basis in the Hansraj Mahavidyalaya Delhi University as recital to the said fact that has been made effect in para 6 followed by Assistant Professor (Botany) on 09.01.2013 in Sri Guri Tegh Bahadur Khalsa College University of Delhi. Certificates to the said extent have been annexed with the writ petition and relevant assertions have been made from paragraph nos. 6 to 11 of the writ petition. It is further the case of the writ petitioner that he was further appointed as an assistant professor on purely adhoc basis in department of Botany in Dayal Singh College, University of Delhi in that regard. Relevant assertions have been made in para 10 and 11. As per the writ petitioner consequent to the selections held by the respondents herein he was selected on the post of Assistant Professor (Botany) and he was assigned his first joining in

Multanimal Modi Mahavidyalaya, Modi Nagar, Ghaziabad on 14.09.2017. The writ petitioner claims to have joined on 21.09.2017 and his services were regularised on 24.11.2018. As per the writ petitioner, in the wake of the UGC guidelines dated 18.07.2018 clause 10, his claim is to be considered for inclusion of his erstwhile services undergone in the aforesaid institutions for the grant of promotional pay-scale and protection of salary, he seeks to rely upon a communication of the Regional Higher Education Officer, Meerut to the Joint Director of Higher Education, Prayagraj dated 16.09.2022 in that regard.

Prayer in the present petition is for a direction to promotional pay-scale and protection of salary in the light of UGC notification.

Learned Standing Counsel submits that the issues with the writ petitioner seeks to raise needs determination at the first instance by the second respondent, Director of Higher Education, Directorate Uttar Pradesh at Allahabad (Prayagraj) and the writ petitioner may approach the second respondent and he further submits that he does not propose to file any response.

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, who shall on the receipt of the same, proceed to decide the claim of the petitioner strictly in accordance with law, the second respondent shall put to notice to the writ petitioner and the

institution where at the writ petitioner is presently working and after verifying the aforesaid aspects after summoning the records from the institution whereat the writ petitioner is stated to have worked in New Delhi, a final order be passed within a period of three 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 :- 6.11.2023

A. Prajapati