

Court No. - 35

Case :- WRIT - A No. - 17865 of 2023

Petitioner :- Yashwant Kumar

Respondent :- State Of U.P. And 4 Others

Counsel for Petitioner :- Shivendra Nath Singh, Chandra Bhan Yadav

Counsel for Respondent :- C.S.C.

Hon'ble Vikas Budhwar, J.

1. Heard Sri S.N. Singh, learned counsel for the writ petitioner and Sri Gaya Prasad Singh, 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 respondents No. fifth respondent.

3. The case of the writ petitioner is that there happens to be an institution, Sri Durga Jee Post Graduate Degree College, Chandeshwar, District Azamgarh is an institution recognized under the relevant statute. The case of the writ petitioner is that he claims to have been appointed as class IV employee on 28.01.2010 and he joined the post on 01.02.2010, however, the same was subject to a rider i.e. pendency of a Writ Petition No.46404 of 2009 (Yogendra Kumar Gond & Others Vs. State of U.P. & Others), learned counsel submits that that the said writ petition which came to be dismissed on 07.02.2011 and he has been accorded permanency also, he further claims that there are six posts of class III employees were vacant against which he seeks his entitlement to be considered for promotion being a SC category candidate.

4. Prayer in the present petition is for a direction to the third respondent, Regional Higher Education Officer, Varanasi to accord consideration to the claim of the writ petitioner.

5. Sri Gaya Prasad Singh, learned Standing Counsel who appears for respondents No. 1 to 4 submits that the issue as to whether the writ petitioner is to be entitled for being considered for promotion is to be addressed at the first instance by the third respondent, Regional Higher Education Officer, Varanasi, he submits that the writ petitioner may represent his cause before the third respondent, he does not propose to file any response to the writ petition.

6. To such a submission, the 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 without seeking any response from the respondents granting liberty to the writ petitioner to prefer comprehensive representation along with the self attested copy of the writ petition before the third respondent, Regional Higher Education Officer, Varanasi who shall on the receipt of the same thereafter proceed to decide the claim of the writ petitioner strictly in accordance with law after putting to notice the fifth respondent and and thereafter consider the claim of the writ petitioner for being accorded consideration within a period of three months from the date of production of the certified copy of the order looking into the aspects, total number of class III sanctioned posts, vacancies, eligibility, suitability of the writ petitioner vis-a-vis the other deserving candidates.

8. Passing of this order may not be construed to be an expression that this Court has adjudicated on the merits of the matter.

Order Date :- 26.10.2023

Rajesh