Court No. - 35

Case :- WRIT - A No. - 17911 of 2023

Petitioner :- Sweta Rai And Another
Respondent :- State Of U.P. And 3 Others
Counsel for Petitioner :- Gopal Ji Rai
Counsel for Respondent :- C.S.C.

Hon'ble Vikas Budhwar,J.

Heard Sri Gopal Ji Rai, learned counsel for the petitioners who are two in number and learned Standing Counsel, who appears for respondents 1, 2 and 3.

In view of the order, which is being proposed to be passed today, notices are not being issued to the fourth respondent.

The case of the writ petitioners is that fourth respondent, Sanskrit Uchchatar Madhyamik Vidyalay Hathouj, District Ballia is a Sanskrit institution governed under the provisions of U.P. Sanskrit Education Act, 2000. It is further the case of the writ petitioner that there five sanctioned post of Assistant Teacher in the primary section approval was sought from the District Inspector Schools, Ballia but the same was not accorded thus the Committee of Management of the institution in question constituted a selection committee pursuant to publication of the advertisement and the writ petitioners claim to have been issued appointment order on 1.11.2019 and they have accorded joining on 7.11.2009 and 6.11.2009.

Learned counsel for the writ petitioners relied upon a judgement in the case of **State of U.P. vs. Tarkeshwar Nath Singh (2015) 3 ADJ 591** so as to contend that the teachers working in the primary section are entitled to salary at par with the teachers in the High School and Intermediate sections.

Prayer in the present petition is for a direction to the second respondent, District Inspector Schools, Ballia to accord consideration to the claim of the writ petitioner.

Learned Standing Counsel submits that the issue as to whether the writ petitioner is entitled to the said benefits needs determination and the instance of the second respondent, District Inspector

Schools, Ballia who shall decide the same strictly in accordance with law. 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 second respondent, District Inspector Schools, Ballia, who shall on the receipt of the same, the second respondent shall put to notice the fourth respondent and decide the entitlement of the petitioner strictly in accordance with law within a period of two months from the date of presentation of the certified copy of the order bearing in mind the position of the sanctioned strength, vacancies, selection area adopted as per rules, import and impact of non grant of approval continuance as well as the applicability of the judgement in the case of **Tarkeshwar Nath Singh (Supra)** as well as delay in approaching the court that too being inordinate and unexplained in the light of the judgment in the case of **Rushaibai Jagdish vs. Bhavnagar Munispal Corporation JD 2022 (5) SC 470**.

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 :- 26.10.2023
piyush

Digitally signed by :-
PIYUSH KUMAR
High Court of Judicature at Allahabad