

Court No. - 35

Case :- WRIT - A No. - 17807 of 2023

Petitioner :- Anand Singh

Respondent :- State Of U.P. And 2 Others

Counsel for Petitioner :- Sandeep Kumar

Counsel for Respondent :- C.S.C.

Hon'ble Vikas Budhwar,J.

Heard Sri Sandeep Kumar, learned counsel for the petitioner and Sri Saurabh Dwevidi, learned Standing Counsel, who appears for Respondents 1 and 2.

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

The writ petitioner claims that in the third respondent institution, there are relevant Class-IV posts sanctioned and one Shri Ram Ashare got superannuated on 31.07.2012. As per the writ petitioner, permission was sought for making appointment on the said post, however, despite reminders being submitted, nothing was done and on 17.09.2012, advertisement was published, the writ petitioner claims to have been selected as a Class-IV employee, approval has been sought but the same has not been granted, however the writ petitioner's post issuance of the appointment order dated 12.10.2012 and joined the duties on 18.10.2012.

Prayer in the present petition is for a direction to accord consideration to the claim of the writ petitioner for approval of the appointment.

Learned Standing Counsel submits that the writ petitioner is barred by delay and laches, however, he submits that the issues

with the writ petitioner seeks to raise needs determination at the first instance by the District Inspector of Schools, Prayagraj who shall address to the issues. 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, put to notice the third respondent, proceed to decide the claim of the petitioner, bearing in mind the sanction strength, number of vacancies, eligibility, suitability, selection criteria adopted as well as the issues with regard to the delay as raised by the learned Standing Counsel strictly in accordance with law 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 :- 20.11.2023

A. Prajapati