

Court No. - 35

Case :- WRIT - A No. - 17958 of 2023

Petitioner :- Anil Kumar

Respondent :- State Of U.P. And 11 Others

Counsel for Petitioner :- Bheem Singh,Aalok Singh

Counsel for Respondent :- CSC,Shesh Kumar Srivastava

Hon'ble Vikas Budhwar,J.

Heard Sri Bheem Singh, learned counsel for the writ petitioner as well as Sri Ratan Deep Mishra, learned Standing Counsel who appears for respondent no.1, 3, 4 and Sri Dev Kaushik holding brief of Sri Shesh Kumar Srivastava, for respondent no.2.

In view of the order, which is being proposed to be passed today, notices are not being issued to the respondents no. 5 to 12.

Principally this is a second writ petition preferred by the writ petitioner as earlier the writ petitioner had filed Writ-A No.8042 of 2023 questioning the selections conducted by the respondents on various grounds. The writ petitioner claims to be one of the aspirants of the post of Lecturer (Philosophy), Assistant Teacher (Philosophy) and Lecturer (Modern Hindi). The said writ petition came to be disposed of on 9.5.2023 while passing the following order:-

Heard Sri Bheem Singh, learned counsel for the petitioner, Sri Dev Krishna, learned Advocate holding brief of Sri Shesh Kumar Srivastava, learned counsel for the University and Sri S.B. Singh, learned counsel for the Committee of Management.

"The petitioner before this Court claims to be a candidate against the advertisement in question pursuant to which the interview was held by the University in which the nominee of the University was also present. Earlier a writ petition was filed by one of the members of the society questioning the entire selection conducted by the Committee of Management of the institution and the said writ petition was withdrawn for the simple reason that notices were issued to that petitioner Brij Mohan Bharadwaj by the University and he was to pursue matter before the University.

It appears therefore, that the University is already ceased with the

objection filed qua selection held by the Committee of Management of the institution. It is left open for the petitioner to join the hearing in the said matter pending before the University by filing his own objection also.

It is therefore, provided that in the event any objection is filed by the petitioner within a week from today, the same shall be looked into and considered by the competent authority in accordance with law, who shall also pass appropriate order within a further period of three months.

Subject to what has been observed above, this petition is consigned to records."

The contention of the learned counsel for the writ petitioner is that initially the University on 23.5.2023 accorded approval to the selections to the private respondents and thereafter the same was stayed on 27.6.2023 and now the order has been revoked on 9.10.2023 by the University.

Contention of the learned counsel for the writ petitioner is that the sixth and the seventh respondents as they attained eligibility of M.A. Degree post last date of submission of application form and further the advertisement in question also suffers from various infirmities including non application of reservation in that regard. He further submits that the entire selection has been tailored to confer benefits to the respondents no. 6 to 12.

Sri Dev Kaushik holding brief of Sri Shesh Kumar Srivastava, for respondent no.2 has produced before this Court a document of the Registrar of the respondent University dated 10.10.2023 wherein according to him the investigation and the inquiry is going on with respect to the said appointments and selections as earlier date was fixed on 11.10.2023 but on account of non-availability of the parties, thus the said date has been fixed on 4.11.2023. He further submits that once the issue is self engaging attention before the committee so constituted by the respondents then in these circumstances it is open for the writ petitioner to intervene in the said committee as already he is possessed of an order dated 9.5.2023, Writ-A 8042 of 2023, Anil Kumar vs. State of U.P. and others.

To such a submission learned counsel for the writ petitioner has no objection however he submits that in case the objections which the writ petitioner seeks to raise are taken up then they need to be decided in correct perspective.

Considering the submission of rival parties as well as the stand taken by them, the writ petition is being disposed of according liberty to the writ petitioner to intervene in the proceedings as already he possesses an order in this regard dated 9.5.2023 Writ-A 8042 of 2023. The said proceeding which is being sought to be held pursuant to the communication to the Registrar of the University dated 10.10.2023 shall be given a logical end with most expedition in that regard.

With the aforesaid observation, the writ petition is **disposed off**.

Order Date :- 31.10.2023

piyush