

Court No. - 35

Case :- WRIT - A No. - 17912 of 2023

Petitioner :- Dr Brajesh Chandra Upadhyay

Respondent :- State Of U.P. And 7 Others

Counsel for Petitioner :- Awadhesh Kumar Malviya

Counsel for Respondent :- C.S.C., Bal Mukund Singh, Rakesh Kumar

Hon'ble Vikas Budhwar, J.

Heard Sri Awadhesh Kumar Malviya, learned counsel for the writ petitioner, Sri Shailendra Singh, learned Standing Counsel, who appears for respondent no.1, Sri Rakesh Kumar, learned counsel, who appears for respondent no.3.

Notice on behalf of the respondent nos.2, 4, 5 and 6 has been accepted by learned counsel, Sri Bal Mukund Singh.

Challenge in this present petition is an order dated 23.06.2023, passed by the fifth respondent, Establishment Officer, Office of Pandit Deen Dayal Upadhyay Pashu Chikitsa Vigyan Vishwavidyalaya Evam Gau Anusandhan Sansthan, Mathura (DUVASU), whereby the writ petitioner is stated to have been reverted to the post of Farm Assistant.

Sri Awadhesh Kumar Malviya, learned counsel for the writ petitioner submits that though the writ petitioner has preferred an appeal/statutory representation under the provisions of U.P. Act No. 27 of 2001 (The Uttar Pradesh Pandit Deen Dayal Upadhyay Pashu Chikitsa Vigyan Vishwavidyalaya Evam Gau Anusandhan Sansthan Adhiniyam, 2001). Simultaneously, the writ petitioner has also preferred reference under Section - 68 of the U.P. State Universities Act before the Chancellor. However, he seeks to elect

the remedy for pressing his appeal/representation before the Chancellor. He submits that let the Chancellor decide the claim of the writ petitioner as espoused in its representation/appeal dated 21.07.2023, Annexure No.28 at page no.108 of the paper book, reference whereof has been given in paragraph no.36 of the writ petition. He submits that at this stage, he is not pressing his reference under Section - 68 of the U.P. State Universities Act before the Chancellor.

To such a submission, learned Standing Counsel as well as Sri Rakesh Kumar, learned counsel, who appears for the second respondent and the counsel appearing for the other respondents have no objection.

Considering the submission of the rival parties as well as the stand taken by them, the writ petition is being disposed off granting liberty to the writ petitioner to press his claim before the Chancellor for decision of the appeal/representation dated 21.07.2023, Annexure No.28 at page no.108 of the paper book, reference whereof has been in paragraph no.36 of the writ petition.

It is expected that the Chancellor shall decide the claim of the writ petitioner with most expedition within a reasonable time in that regard.

With the aforesaid observations, the writ petition stands ***disposed off***.

Order Date :- 26.10.2023

S Rawat