

Court No. - 35

Case :- WRIT - A No. - 18211 of 2023

Petitioner :- Dr. Brishti Mitra And 15 Others

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

Counsel for Petitioner :- Namit Srivastava, Sr. Advocate

Counsel for Respondent :- C.S.C., Rohit Pandey

Hon'ble Vikas Budhwar, J.

Supplementary affidavit filed today is taken record.

On the oral request of learned counsel for the writ petitioners, he is permitted to implead the Chancellor, Chatrapati Shahu Ji Maharaj University, Kanpur (U.P.) as fourth respondent.

Heard Sri Ashok Khare, learned Senior Counsel assisted by Shri Namit Srivastava, learned counsel for the writ petitioners who are 16 in number, Sri Santosh Kumar Mishra, learned Standing Counsel for the respondent No. 1 and Shri Rohit Pandey, learned counsel who appears for Respondents 2 and 3.

The case of the writ petitioners is that pursuant to a Government order dated 12.12.1997 certain modalities had been fixed with respect to the selection and the appointment of the teachers in the engineering stream of the Universities under self-financing scheme. Learned counsel for the writ petitioners while driving force from the Government order dated 12.02.1997 seeks to argue that in pursuance of the said Government order, certain benefits are available to the engagees. Pleadings reveals that the writ petitioners claim to have been appointed as lecturer on various dates as mentioned in paragraph Nos. 7 to 22 of the writ petition. According to the writ petitioners, the selections were made pursuant to the advertisement published by the respondent itself.

Learned counsel for the writ petitioners has invited the attention of the Court towards page 15 of the supplementary affidavit filed today being the Government order dated 28.09.2014 as well as the decision of the Vice Chancellor of the University dated 18.12.2017 granting similar benefits to the other incumbents.

Prayer in the present petition is for treating the services of the writ petitioners as regular teaching faculty, substantively appointed against the post created by the State Government pursuant to the Government order dated 12.02.1997 including extension of personal promotion/career advancement scheme and other monetary benefits.

Learned Standing Counsel as well as Shri Rohit Pandey who appears for the respondent University submits that the issues with the writ petitioners seeks to raise relying upon the decision of the Vice Chancellor needs determination by the fourth respondent, he submits that the writ petitioners may approach the Chancellor in view of the provisions contained under Section 68 of U.P. State Universities Act, 1973 by way of a reference.

Shri Khare, on the other hand, submits that though the writ petitioners would approach the fourth respondent, Chancellor, Chatrapati Shahu Ji Maharaj University, Kanpur (U.P.) but a direction be issued for expeditiously disposal of the claim within a time bound manner.

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 petitioners to approach the Chancellor, Chatrapati Shahu Ji Maharaj University, Kanpur (U.P.) who shall take an appropriate

decision with most expeditious on top priority within the reasonable period.

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

Order Date :- 24.11.2023

A. Prajapati