

Court No. - 35

Case :- WRIT - A No. - 17874 of 2023

Petitioner :- Pawan Kumar Singh

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

Counsel for Petitioner :- Ritesh Kumar Singh

Counsel for Respondent :- C.S.C.

Hon'ble Vikas Budhwar,J.

Heard Sri Rakesh Kumar Mishra (AOR No.A/R0628/12), holding brief of Sri Ritesh Kumar Singh, learned counsel for the petitioner and Sri Dharendra Singh 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 case of the writ petitioner is that Shri Shiv Mangal Singh Inter College, Beruarwari, District Ballia is an institution recognised under the provisions of relevant statute. The writ petitioner claims to be working as a Class-IV employee since 25.9.2008 in the institution in question and according to him there are two incumbent who were senior to him being Sri Hareram (Paricharak) and Sri Munna Kumar-Mehtar (Paricharak), however both of them are not eligible as they possess qualification of 8th and 10th Class as whereas the qualification of the writ petitioner is CCC certificate and he is fully eligible and qualified in all respects. It is the further the case of the writ petitioner that one Shri Shiv Shankar Dubey was promoted as a Senior Clerk from Junior Clerk thus there happens to be certain vacancies which are lying vacant for promotion.

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

Learned Standing Counsel submits that the issue as to whether the writ petitioner is entitled to be considered for promotion is to be taken care of at the instance of the second respondent, District Inspector of Schools, Ballia who shall address to the said issues. He further submits that he does not propose to file any response to the writ petitioner.

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 of Schools, Ballia, who shall on the receipt of the same, proceed to decide the claim of the petitioner strictly in accordance with law bearing in mind the entitlement, suitability of the writ petitioner and the other deserving candidates who come within the zone of consideration, total number of sanctioned post, educational qualification of the writ petitioner and the other deserving candidates. The said exercise is to be conducted within a period of three months from the date of presentation of the certified copy of the order after also putting to notice third respondent.

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