

Court No. - 35

Case :- WRIT - A No. - 17988 of 2023

Petitioner :- Santosh Kumar Vishwakarma

Respondent :- State Of U.P. And 4 Others

Counsel for Petitioner :- Gaurav Vishwakarma, Suman Kumar Yadav

Counsel for Respondent :- C.S.C., Ran Vijay Singh

Hon'ble Vikas Budhwar, J.

1. Heard Sri Shivam Tiwari (AOR A/S 0796/23) holding brief of Suman Kumar Yadav, learned counsel for the writ petitioner as well as Sri Santosh Kumar, learned Standing Counsel who appears for respondents No. 1 and 2 and Sri Ran Vijay Singh, learned counsel who appears for respondents No. 2 and 3.

2. In view of the order which is being proposed to be passed today, notices are not being issued to fourth and fifth respondents.

3. The case of the writ petitioner is that on 13.01.2005 the writ petitioner along with fourth and fifth respondents were appointed in respective posts and the writ petitioner claims to be appointed as class III employee. It is the case of the writ petitioner that the fourth respondent has been engaged and absorbed as Plumber on 13.01.2010 as whereas the writ petitioner has not been considered for absorption/regularization.

4. Prayer in the present petition is for a direction for regularization of the services of the writ petitioner on the post of Office Assistant in Veer Bahadur Singh, Purvanchal University, Jaunpur and to decide the pending representation dated 07.10.2023.

5. Sri Ranvijay Singh learned counsel who appears for the respondent University submits that the regularization is always subject to existence of sanctioned strength as well as the policy for consideration the claim of regularization coupled with eligibility and suitability. According to him, no document has been placed on record in the writ petition so as to warrant any positive direction in favour the writ petitioner. According to him the writ petitioner may represent his cause before the third respondent, Registrar, Veer Bahadur Singh Purvanchal University, Jaunpur who shall address the claim of the writ petitioner. He further submits that he does not

propose to file any response to the writ petition.

6. To such a submission, learned counsel for the writ petitioner has no objection and he gracefully accepts the same.

7. Considering the submission of the rival parties as well as the stand taken by them, the writ petition is being disposed of granting liberty to the writ petitioner to prefer a comprehensive representation along with self attested copy of the writ petition before the third respondent, Registrar, Veer Bahadur Singh Purvanchal University, Jaunpur who shall on the receipt of the same proceed to decide the claim of the writ petitioner for regularization within a period of two months from the date of production of certified copy of the order on the said application so preferred by the third respondent or any other authority empowered therein subject to availability of the vacancy, eligibility, suitability and the Government Order or Statute providing for the same.

8. With the aforesaid observations, the writ petition stands disposed of.

9. Needless to point out that the writ petition has been disposed of without seeking any response, thus, passing of this order may not be construed to be an expression that this Court has adjudicated on the merits of the matter.

Order Date :- 27.10.2023

Rajesh