

Court No. - 35

Case :- WRIT - A No. - 18283 of 2023

Petitioner :- Daulat Ram

Respondent :- State Of U.P. And 3 Others

Counsel for Petitioner :- Sanjay Singh Sengar

Counsel for Respondent :- CSC

Hon'ble Vikas Budhwar,J.

1. Heard Sri Sanjay Singh Sengar, learned counsel for the petitioner and Sri Shailendra Singh learned Standing Counsel, who appears for Respondents 1, 2 and 3.

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

3. The case of the writ petitioner is that he was appointed as a Parichalak (peon) in the Government Inter College, Indrohata, Mahoba and thereafter he was transferred to one place to others. The claim of the writ petitioner is for regularization.

4. Prayer in the present petition is for a direction in the nature of mandamus directing the respondents, to consider the case of petitioner in regarding regularization of service as class (IV) Employee in college.

5. Sri Shailendra Singh, learned Standing Counsel submits that the issue as to whether the writ petitioner is to be considered for regularization is dependent upon the rules and the government order so applicable and the vogue, needs determination at the first instance by the third respondent District Inspector of School, Mahoba. He submits that he does not propose to file any response and the writ petitioner may represent cause before the third respondent.

6. Considering the submissions of the rival parties as well as stand taken by them, the writ petition is being disposed off granting liberty to the writ petitioner to approach the third respondent who shall on the receipt of the same, put to notice to the fourth respondent and thereafter proceed to decide the claim of the writ petitioner within a period of three months from the date of presentation of the certified copy of the order bearing in mind sanctioned strength, the vacancies, the eligibility, suitability of the writ petitioner and the other candidates and the ancillary and the

incidental issues.

7. 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.

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

Order Date :- 28.11.2023

Suraj Srivastav