

Court No. - 35

Case :- WRIT - A No. - 18082 of 2023

Petitioner :- Smt Abha Shukla

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

Counsel for Petitioner :- Shrey Singh

Counsel for Respondent :- CSC,Kushmondeya Shahi

Hon'ble Vikas Budhwar,J.

1. On the oral request of learned counsel for the writ petitioner he is permitted to implead Smt. Shikha Nigam as respondent No. 6 in the array of the parties.
2. Heard Sri Shrey Singh, learned counsel for the writ petitioner as well as Sri P.K. Shahi, learned Additional Chief Standing Counsel who appears for respondents No. 1, 2 & 4 and Sri Kushmondeya Shahi, learned counsel who appears for respondent No. 3.
3. In view of the order which is being proposed to be passed today, notices is not being issued to the fifth and sixth respondents.
4. The case of the writ petitioner is that pursuant to an advertisement No. 1 of 2011 dated 01.08.2011 published by the third respondent various posts of Principal were advertised and the writ petitioner claims to have applied for posts being in two categories/groups being, Principal of Girls School upto XII class and Principal of Boys Schools upto XII. It is the case of the writ petitioner that after a considerable delay the selections were conducted on 02.05.2022, results were declared for the post of Principal at Kanpur Vidya Mandir Mahila Inter College, Swaroop Nagar, District Kanpur and Principal of High School Institute at Janta Inter College Salahpur, Auraiya, according to the writ petitioner one Sri Narvada Singh who was selected as Principal of Kanpur Vidya Mandir Mahila Inter College Swaroop Nagar, District Kanpur and he did not join the post in question and the writ petitioner claims to be at serial No. 2 therein. It is also the case of the writ petitioner that one Smt. Shikha Nigam, sixth respondent being an Officiating Principal preferred Writ A No.

5893 of 2022 claiming officiation and the said writ petition is pending but the candidature of the writ petitioner is not being considered.

5. Prayer in the present petition is for a direction for according appointment to the writ petitioner as Principal in the fifth respondent-institution and to decide the representation dated 20.09.2022.

6. Sri Pradeep Kumar Shahi, learned Additional Chief Standing Counsel as well as Sri Shahi, learned counsel who appears for the third respondent submit that let an exercise be undertaken by the fourth respondent, District Inspector of Schools, he further submit that the writ petitioner may represent his cause before the fourth respondent he do not propose to file any response to the writ petition.

7. Considering the submission of the rival parties as well as the stand taken by them, the writ petition is being disposed of without seeking any response from the respondents granting liberty to the writ petitioner to prefer a comprehensive representation before the fourth respondent, District Inspector of Schools, Kanpur Nagar who shall on the receipt of the same proceed to decide the claim of the writ petitioner within a period of three months. The fourth respondent shall before taking a conscious decision put to notice the fifth and the sixth respondents and seek inputs from them and decide the entitlement of the writ petitioner strictly in accordance with law.

8. Needless to point out that this Court has not adjudicated on the merits of the matter.

Order Date :- 16.11.2023

Rajesh