

Court No. - 35

Case :- WRIT - A No. - 18313 of 2023

Petitioner :- Smt. Nandini Sagar

Respondent :- State Of U.P. And 5 Others

Counsel for Petitioner :- Ram Krishna Patel, Rajesh Kumar

Counsel for Respondent :- C.S.C.

Hon'ble Vikas Budhwar, J.

Heard Sri Rajesh Kumar, learned counsel for the petitioner, and Sri Shailendra Singh, the learned Standing Counsel, who appears for Respondent Nos. 1 to 5.

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

The case of the writ petitioner is that pursuant to the selection conducted by the U.P. Secondary Education Services Selection Board, Allenganj, Advertisement No.1 of 2009, the writ petitioner was selected and thereafter a placement order was issued on 02.02.2011, pursuant where to the writ petitioner was accorded joining on 07.02.2011 in Pandit Krishna Chandra Sharma Girls Inter College, Jhansi. Pursuant to the policy of the State Government, the writ petitioner applied for transfer and thereafter by virtue of order dated 30.06.2023 of the third respondent, Addl. Director, Secondary Education, Lucknow he was transferred from Pandit Krishna Chandra Sharma Girls Inter College, Jhansi to Nagar Nigam Girls Inter College, Gud Ki Mandi, Agra, 6th respondent. The writ petitioner claims that he had approached for joining, but he was not accorded joining and on 08.09.2023, the District Inspector of Schools, Agra-II issued a communication to the 6th respondent requiring him to permit the writ petitioner to join on the post in question. As per the writ petitioner on 10.07.2023, the Principal of the 6th respondent Institution corresponded the fifth respondent that the case of the writ petitioner for joining cannot be acceded to, particularly, in view of the fact that in pursuance of the earlier directions of the District Inspector of Schools on 01.11.2021, one of the candidates had already joined. Learned counsel for the writ petitioner invites the attention of the Court towards Annexure-8 at Page-48 of the paper-book being a communication dated 25.09.2023 of Deputy Director of Education (Madhyamik-3) on behalf of the Director of Education (Madhyamik), Uttar Pradesh, addressed to the District

Inspector of Schools, Agra, fourth respondent requiring him to accord joining to the writ petitioner.

Prayer in the present petition is for a mandamus directing the respondents to permit the writ petitioner to join on the post of Assistant Teacher in the 6th respondent Institution.

Sri Shailendra Singh, learned Standing Counsel submits that with the enforcement of U.P. Act No.15 of 2023, now the provisions of 1982 Act stands repealed. He however submits that let the petitioner approach the fifth respondent, District Inspector of Schools, Agra while filing a comprehensive and representation along with self-attested copy of the writ petition and he shall deal with each and every aspect of the matter and decide the claim of the writ petitioner, which is stated to be pending, as per the writ petitioner by virtue of a communication of the fourth respondent dated 25.09.2023 to the fifth respondent. He further submits that he does not propose to file any response to the writ petition.

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

Considering the submission of the rival parties as well as the 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 approach the fifth respondent, along with a comprehensive representation accompanied with self-attested copy of the writ petition, who shall, on the receipt of the same, put to notice the 6th respondent and thereafter proceed to decide the claim of the writ petitioner within a period of two months from the date of production of certified copy of the order.

In case, the fifth respondent, District Inspector of Schools, Agra is of the opinion that some other authority shall address the claim of the writ petitioner, then the papers be transmitted to the concerned authority.

Needless to point out that the writ petitioner is being decided without seeking any response from the respondents, thus passing of this order may not be construed to an expression that this Court has adjudicated the matter on merits.

With the aforesaid observations the writ petition stands **disposed off**.

Order Date :- 1.11.2023 /N.S.Rathour