

Court No. - 35

Case :- WRIT - A No. - 18285 of 2023

Petitioner :- Brahmadeen Yadav

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

Counsel for Petitioner :- Pramod Kumar Dubey

Counsel for Respondent :- C.S.C.

Hon'ble Vikas Budhwar,J.

1. Heard Sri Santosh Kumar Paliwal (AOR A/S0423/2012) holding brief of Sri Promod Kumar Dubey, learned counsel for the writ petitioner as well as Sri Shailendra Singh, learned Standing Counsel who appears for respondents No. 1 to 4.

2. In view of the order which is being proposed to be passed, notice is not being issued to the fifth and sixth respondents.

3. The case of the writ petitioner is that he was appointed as Assistant Teacher L.T. Grade in subject Hindi on 14.08.2017 in the institution being Janta Inter College, Behat, District Saharanpur, however, he applied for transfer and 30.06.2023 he was transferred to the fifth respondent-institution, however, the writ petitioner came to join the post then the fifth respondent institution informed the District Inspector of Schools that already the post had been filled up and the District Inspector of Schools thereafter wrote a letter dated 23.07.2023, the writ petitioner relies upon a certificate issued by the sixth respondent wherein one post is lying vacant.

4. Prayer in the present petition is for transferring the writ petitioner in the sixth respondent institution.

5. Sri Shailendra Singh, learned Standing Counsel, on the other hand, submits that the issue which the writ petitioner seeks to raise needs determination by the second respondent, Additional Director, Secondary Education, Prayagraj the writ petitioner may represent his cause before the second respondent who shall take appropriate decision in that regard. He does not propose to file any response to the writ petition.

6. 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 approach the second respondent,

Additional Director, Secondary Education, Prayagraj by filing a comprehensive representation along with self attested copy of the writ petition and on the receipt of the same the second respondent shall decide the entitlement of the writ petitioner strictly in accordance with law after putting to notice the fifth and sixth respondents within a period of two months from the date of production of certified copy of the order.

7. 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 :- 20.11.2023

Rajesh