

Court No. - 35

Case :- WRIT - A No. - 18263 of 2023

Petitioner :- Ajay Kumar And 4 Others

Respondent :- State Of U.P. And 6 Others

Counsel for Petitioner :- Nand Lal Pandey, Suyash Pandey

Counsel for Respondent :- C.S.C.

Hon'ble Vikas Budhwar, J.

1. Heard Sri Suyesh Pandey, learned counsel for the writ petitioners who are five in number as well as Sri Santosh Kumar Mishra learned Standing Counsel who appears for respondents No. 1 to 5.

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

3. The case of the writ petitioner is that the sixth respondent, Janta Inter College, Pilua, District Etah is a minority institution conferred with certain benefits under Article 30 of the Constitution of India. According to the writ petitioner pursuant to the directions contained in **Writ A No. 26307 of 2010 (Dhruv Narayan Vs. State of U.P.)** decided on 26.10.2010 the determination of the vacancies were made and according to the writ petitioners there are five class IV posts lying vacant, however, despite the fact that approval was sought, it has not been granted so advertisement was published and the writ petitioners have been selected in an appointment but approval has not been granted.

4. Sri Santosh Kumar Mishra, learned Standing Counsel submits that the issue which the writ petitioners seeks to raise needs determination at the first instance by the fourth respondent, District Inspector of Schools, Etah, who shall take appropriate decision in that regard.

5. 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 fourth respondent, District Inspector of Schools, Etah by filing a comprehensive representation along with self attested copy of the writ petition and on the receipt of the same the fourth respondent shall decide the entitlement of the writ petitioner strictly in accordance with law after putting to notice the sixth and seventh respondents bearing in mind (a) total number of

vacancies; (b) selection criteria; (c) other ancillary and incidental issue within a period of three months from the date of production of certified copy of the order.

6. 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