

Court No. - 35

Case :- WRIT - A No. - 18425 of 2023

Petitioner :- Dr. Keshava Shankar Singh And Another

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

Counsel for Petitioner :- Lavlesh Kumar Shukla, Samarath Singh, Sr. Advocate

Counsel for Respondent :- C.S.C., Bal Mukund Singh

Hon'ble Vikas Budhwar, J.

Heard Shri V.K. Singh, learned Senior Counsel assisted by Shri Samarth Singh, learned counsel for the writ petitioner who are two in number, Shri Dhirendra Singh, learned Standing Counsel who appears for the respondent No. 1 as well as Shri Nitin Chandra Mishra, learned counsel for the respondent Nos. 2 to 5. The case of the writ petitioner is that pursuant to an advertisement published on 17.09.2022 for engaging guest faculty under self-financing scheme, the writ petitioners applied and so far as the writ petitioner No. 1 is concerned, an office order was issued on 22.03.2023 containing a specific condition that he was engaged as guest faculty in soil service on lecture basis (Rs. 600/- per lecture) in agriculture faculty under self-financing course maximum Rs. 31,000/- per month for a period of 11 months and extension would be subject to the work, satisfactory performance and no evidence of disciplinary action. According to the writ petitioner, insofar as the writ petitioner No. 2 is concerned he was issued an office order containing the similar terms on 01.11.2022 with little modification that the appointment was on lecturer basis in self-financing course maximum Rs. 25,000/-, however, the other conditions being the same. The grievance of the writ petitioner is that on 20.10.2023, an advertisement is being published whereby now again the said post is being sought to be advertised that too in the same

manner.

Prayer in the present petition is for quashing of the said advertisement insofar as it seeks to make engagement of guest lecturers as according to the learned Senior Counsel for the writ petitioner once they exist a clause for renewal that too subject to certain qualifications then a right of consideration for renewal vest with the writ petitioners and the same cannot be arbitrarily knocked down while issuing a fresh advertisement, particularly, in view of the law laid down in Writ A No. 38156 of 2013 (Dr. Arvind Kumar Srivastava and another Vs. Union of India and 5 others) dated 17.07.2013.

Shri Nitin Chandra Mishra, learned Counsel who appears for the respondent University submits that what is relevant is the nature of the engagement of the writ petitioners and their services will not be disturbed till the currency of their engagement as per the advertisement exist, as according to him, though the writ petitioner No. 1 would continue till the completion of 11 months but so far as the writ petitioner No. 2 is concerned, his tenure has already come to end. He however submits that in case the writ petitioner has any grievance, he may represent his cause before the respondent No. 5, Director (S.F.C.), Deen Dayal Upadhyay Gorakhpur University.

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

Considering the submissions of the rival parties as well as 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 prefer a comprehensive representation along with the self-attested copy of the writ petition before the fifth respondent, who shall on the receipt of the same, proceed

to decide the claim of the petitioner strictly in accordance with law within a period of one month from the date of presentation of the certified copy of the order.

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.

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

Order Date :- 2.11.2023

A. Prajapati