

Court No. - 10

Case :- WRIT - C No. - 37859 of 2023

Petitioner :- Pradeep Kumar

Respondent :- State Of U.P. And 2 Others

Counsel for Petitioner :- Rahul Sharma

Counsel for Respondent :- CSC

Hon'ble Kshitij Shailendra,J.

1. Heard Sri Amit Kumar, holding brief of Sri Rahul Sharma, learned counsel for the petitioner and Sri Jitendra Singh, learned Additional Chief Standing Counsel for the respondents no.1 and 2.
2. In view of the order proposed to be passed, it is not necessary to issue notice to the respondent no.3 (Ganna Vikas Uchchattar Madhyamik Vidyalaya, Khalilabad, Sant Kabir Nagar, through its Principal) at this stage.
3. The petitioner earlier approached this Court by filing Writ-C No.14770 of 2023, which was disposed of by order dated 02.05.2023 for consideration of the claim of the petitioner with regard to correction in date of birth.
4. In compliance of the aforesaid order, the claim of the petitioner has been declined only on the ground that the matter pertains to examinations of 2017, whereas all the functions relating to examinations held after 2018 are being taken care of by the Regional Office, Gorakhpur Region, Gorakhpur and those of the period prior to 2018 shall be undertaken by the Regional Office, Varanasi Region, Region.
5. The rejection of the petitioner's claim is not on merits but only for want of jurisdiction (territorial/ inherent), therefore, this Court does not find any error in the order dated 16.06.2023.
6. Learned counsel for the petitioner submits that the petitioner is not challenging the said order, rather in furtherance of the said order, he has applied before the respondent no.2 (Secretary, Madhyamik Shiksha Parishad, Regional Office, Varanasi) by sending an application dated 18.10.2023 by registered post.
7. This writ petition has been filed in due haste, however, considering the fact that the petitioner's cause was examined by this Court in May, 2023 and the grievance on merits still remains unaddressed to, the writ petition is **disposed of** directing the respondent no.2 (Secretary, Madhyamik Shiksha

Parishad, Regional Office, Varanasi) to consider the petitioner's application dated 18.10.2023 on merits after providing opportunity of hearing to the respondent no.3 also **on or before 31.01.2024**, provided a certified copy of this order along with fresh copy of the application 18.10.2023 is filed in the office of respondent no.2 within three weeks from today.

8. The direction to consider the claim in the light of the judgment of **Anand Singh Vs. U.P. Board of Secondary Education and others (2014) 3 ADJ 443 (DB)** shall be taken care of while deciding the claim.

Order Date :- 2.11.2023

AKShukla/-