

Court No. - 35

Case :- WRIT - A No. - 18495 of 2023

Petitioner :- C/M Sanskrit Uchchatar Madhyamik And Another

Respondent :- State Of U.P. And 3 Others

Counsel for Petitioner :- Uma Nath Pandey

Counsel for Respondent :- C.S.C.

Hon'ble Vikas Budhwar,J.

Heard Shri Uma Nath Pandey, learned counsel for the writ petitioners and Shri Shailendra Singh, learned counsel for the respondent Nos. 1 to 4.

The case of the writ petitioners is that it is validly elected committee of management of the institution in question and the petitioner No. 2 is the Manager. According to the writ petitioners, as per the Government order dated 24.07.2021, procedure had been contemplated for engaging teachers for the academic year 2021-22 and 2022-23 on honorarium basis for a time bound period consisting of a committee of six members headed by the manager who is the Chairman. According to the writ petitioners, the said Government order was partially modified on 17.05.2023. It is also the case of the writ petitioners that selections were conducted pursuant where to, a list was prepared bearing the signatures of the Manager who is the Chairman and other members. It is also the case of the writ petitioners that by virtue of the communication dated 07.10.2023 now the writ petitioners/committee of management is being required to issue appointment orders and place the entire documents for according engagement to the incumbents on the basis of a select list which according to the writ petitioners is not the correct select list containing the correct marks.

This Court entertained the writ petition on 16.11.2023 pursuant where to the instructions have been forwarded by Shri Shailendra Singh, learned Standing Counsel on the behalf of the District Inspector of Schools Gorakhpur dated 23.11.2023.

Shri Shailendra Singh, learned Standing Counsel submits that there has been error in awarding of marks by the manager who is the chairman as which is discrepancy as he seeks to illustrate on the basis of the first page of the instructions containing the tabular chart. He further submits that only by virtue of the order dated 07.10.2023, the District Inspector of Schools, Gorakhpur had required certain acts to be done by the writ petitioners thus in case the writ petitioners claim that the version of the District Inspector of Schools is not correct then the writ petitioners may respond to the same and the District Inspector of Schools shall take appropriate action in the light of the same. He further submits that he does not propose to file any response.

To such a submission, learned counsel for the petitioners 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 petitioners to prefer a comprehensive representation along with the self-attested copy of the writ petition before the fourth respondent, District Inspector of Schools, Gorakhpur pursuant to the communication dated 07.10.2023 and the District Inspector of Schools Gorakhpur shall take appropriate follow up actions after considering the claim of the petitioners strictly in accordance with law within a period of two weeks from the date of presentation of the certified copy of the order.

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

Instructions filed today are taken on record marked as
Appendix-A.

Order Date :- 28.11.2023
A. Prajapati