Court No. - 35

Case :- WRIT - A No. - 18575 of 2023

Petitioner :- Om Prakash Yadav Hari Krishna
Respondent :- State Of U.P. And 5 Others
Counsel for Petitioner :- Anand Kumar Pandey
Counsel for Respondent :- C.S.C.

Hon'ble Vikas Budhwar,J.

1. Heard Sri Anand Kumar Pandey, learned counsel for the writ petitioner and Sri Ajeet Kumar Singh, learned Additional Chief Standing Counsel, who appears for respondents 1 to 4.

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

3. The case of the writ petitioner is that the fifth respondent is an institution recognised under the provisions of the U.P. Intermediate Education Act, 1921 and the provisions of U.P. Act No.24 of 1971 stands applicable. As per the writ petitioner there are 22 sanctioned posts of Class-IV and a communication was issued by Principal of the institution for filling up the said vacancy on 15.04.2008 followed on 02.05.2008 however since no approval was granted, advertisement was published, interview was conducted and the writ petitioner was issued appointment order on 30.05.2008 and he was accorded joining on 01.06.2008.

4. Prayer in the present petition is for a direction to the fourth respondent, District Inspector of Schools, Ballia to pass appropriate order on the application of the writ petitioner.

5. Sri Ajeet Kumar Singh, learned Additional Chief Standing Counsel, who appears for respondents 1 to 4 submits that the issue as to whether the writ petitioner is entitled for approval needs determination at the first instance by the fourth respondent. The writ petitioner may represent his claim before the fourth respondent. He further submits that he does not propose to file any response to the writ petition.

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

7. 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 fourth respondent, District Inspector of Schools, Ballia, who shall on the receipt of the same, put to notice the fifth and the sixth respondent and thereafter determine the entitlement of the writ petitioner strictly in accordance with law within a period of three months from the date of presentation of the certified copy of the order bearing in mind the total number sanctioned strength, total number vacancy, approval if granted, the adherence to the rules for making selection and the issue with regard to the delay as raised by the learned Standing Counsel in approaching the Court that too being inordinate and unexplained in the light of the judgment in the case of Rushaibai Jagdish vs. Bhavnagar Munispal Corporation JT 2022 (5) SC 470.

8. 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.

9. With the aforesaid observation, the writ petition is disposed of.

Order Date :- 6.11.2023
Rajesh

Digitally signed by :-
RAJESH KUMAR
High Court of Judicature at Allahabad