

Court No. - 35

Case :- WRIT - A No. - 18631 of 2023

Petitioner :- Awadhesh Kumar

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

Counsel for Petitioner :- Shiv Bahadur Singh

Counsel for Respondent :- C.S.C.

Hon'ble Vikas Budhwar,J.

1. Heard Dr. S.B. Singh, learned counsel for the writ petitioner as well as Sri Shailendra Singh, learned Standing Counsel who appears for respondents No. 1 to 4.

2. In view of the order which is being proposed to be passed, notice is not being issued to the fifth respondent.

3. The case of the writ petitioner is that he was initially appointed as Assistant Teacher in the institution, Tulsi Inter College, Rajapur District Chitrakoot on 16.03.2012 and consequent to the transfer of Dr. Shiv Kumar Sharma in another institution a vacancy has arisen, the writ petitioner claims that he is fully eligible and qualified and he is entitled to be considered for promotion as nobody else is eligible in this regard.

4. Prayer in the present petition is for a direction to the third respondent, Regional Joint Director of Education, Mandal Jhansi/Chitrakoot Dham Mandal, Banda to take appropriate decision in this matter.

5. Sri Shailendra Singh, learned Standing Counsel, on the other hand, submits that the issue which the writ petitioner seeks to raise needs determination by the third respondent, Regional Joint Director of Education, Mandal Jhansi/Chitrakoot Dham Mandal, Banda who shall take appropriate decision in that regard and according to him the writ petitioner may represent his cause before the third respondent. He does not propose to file any response to the writ petition.

6. 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 third respondent, Regional Joint Director of Education, Mandal Jhansi/Chitrakoot

Dham Mandal, Banda by filing a comprehensive representation along with self attested copy of the writ petition and on the receipt of the same the third respondent shall decide the entitlement of the writ petitioner strictly in accordance with law after putting to notice the fifth respondent Committee of Management of the institution in question and the writ petitioner and other deserving candidates who come within the zone of consideration bearing in mind; (a) sanctioned strength; (b) number of vacancies; (c) eligibility, suitability of the writ petitioner as well as the deserving candidates within a period of two months from the date of production of certified copy of the order.

7. 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