

Court No. - 35

Case :- WRIT - A No. - 18621 of 2023

Petitioner :- Pankaj Kumar

Respondent :- State Of U.P. And 5 Others

Counsel for Petitioner :- Namit Srivastava,Prabhakar Awasthi,Radha Krishan

Counsel for Respondent :- C.S.C.,Dilip Kumar Goswami,Sanjay Singh

Hon'ble Vikas Budhwar,J.

On the oral request of the learned counsel for the writ petitioner, District Inspector of Schools, Hathras is permitted to be impleaded as 7th respondent during the course of the day.

Heard Sri Prabhakar Awasthi, learned counsel for the petitioner, Sri Saurabh, the learned Standing Counsel, who appears for Respondents 1 to 4 and 7 and Sri Dilip Kumar Goswami, who appears for Respondents 5 & 6.

The case of the writ petitioner is that his father, namely, late Ram Prakash Awasthi, who was working on the post of Assistant Teacher in H.P. Singh Krishi Inter College, Bisawar, Hathras expired on 30.09.2015. The writ petitioner claims to be one of the legal heirs and after seeking no objections and other legal documents, applied for compassionate appointment. A resolution is stated to have been passed on 04.10.2017 by the Committee of Management for according compassionate appointment to the writ petitioner. From page-41 of the paper-book, which is a communication of the Assistant Director of Education (Basic) Aligarh Region, Aligarh addressed to the District Basic Education Officer, Hathras dated 21.12.2019, it has come on record that the writ petitioner is working on ad hoc / temporary Teacher in the Institution in question. Learned counsel for the writ petitioner submits that the writ petitioner is entitled for compassionate appointment and he in this regard seeks to rely upon page-55 of the paper-book, which is a communication dated 07.08.2023 of Joint Director of Education, Aligarh Region, Aligarh addressed to the Divisional Assistant Director of Education (Basic) Aligarh Region, Aligarh.

Sri Shailendra Singh, the learned Standing Counsel who appears for Respondent Nos. 1 to 4 & 7 on the other hand submits that the death of the deceased is of the year 2015 and we are in the year 2023, thus while considering the claim of the writ petitioner on

compassionate appointment, the subsisting financial needs also needs to be determined in view of the law of the land. He further submits that let the District Inspector of Schools, Hathras take a decision in this regard.

The learned counsel who appears for the Institution in question supports the case of the petitioner.

Considering the submission of the rival parties as well as the stand taken by them, the writ petition is being disposed off requiring the sixth respondent to take a conscious decision with regard to the appointment of the writ petitioner, strictly in accordance with law after putting to notice the Committee of Management within a period of two months from the date of production of certified copy of the order bearing in mind the eligibility, suitability of the writ petitioner, coupled with the subsisting financial needs as well as the statutes in question.

With the aforesaid observations the writ petition stands **disposed off**.

Order Date :- 2.12.2023

N.S.Rathour