

Court No. - 35

Case :- WRIT - A No. - 18794 of 2023

Petitioner :- Vijay Kumar Singh

Respondent :- District Inspector Of Schools And 3 Others

Counsel for Petitioner :- Indra Raj Singh, Deo Prakash Singh

Counsel for Respondent :- C.S.C.

Hon'ble Vikas Budhwar, J.

Heard Sri Indra Raj Singh, learned counsel for the writ petitioner and Sri Awadesh Kumar Mishra, learned Standing Counsel, who appears for Respondents 1 and 2.

In view of the order, which is being proposed to be passed today, notices are not being issued to the third and fourth respondent.

The case of the writ petitioner is that there happens to be an institution, third respondent, Sri Durga Ji Sanskrit Mahavidyalaya, Chandeshwar, Azamgarh which is recognised under the provisions of the U.P. Board of Sanskrit Education Act, 2000 and the provisions of Act No. 24 of 1971 stands applicable. As per the writ petitioner one post of peon stood sanctioned in the said institution which was earlier manned by Shri Kanhai Ram who was superannuated on 31.01.2015, however, thereafter approval was sought, since the same was not granted, so advertisement was published into widely circulated on newspaper on 25.11.2016 fixing date 18.12.2016 for interview. The writ petitioner claims to have been selected and approval has been granted on 12.10.2022 by the District Inspector of Schools, Azamgarh, first respondent. However, according to the writ petitioner, he is not being paid salary. Learned Standing Counsel who appears for the respondent submits that the issues with the

writ petitioner seeks to raise needs determination at the first instance by the first respondent, District Inspector of Schools, Azamgarh who shall address to the claim of the writ petitioner. He further submits that he does not propose to file any response.

To such a submission, learned counsel for the writ petitioner 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 petitioner to prefer a comprehensive representation along with the self-attested copy of the writ petition before the first respondent, who shall on the receipt of the same, proceed to decide the claim of the petitioner strictly in accordance with law, first respondent shall put to notice to the third and fourth respondent and thereafter proceed to examine the claim of the writ petitioner, bearing in mind the existence of the approval order dated 12.10.2022 and another ancillary and incidental issues, within a period of three months from the date of presentation of the certified copy of the order.

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.

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

Order Date :- 8.11.2023

A. Prajapati