

Court No. - 35

Case :- WRIT - A No. - 18726 of 2023

Petitioner :- Mukesh Yadav

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

Counsel for Petitioner :- Piyush Pandey

Counsel for Respondent :- C.S.C

Hon'ble Vikas Budhwar,J.

Heard Sri Sitaram Yadav, learned counsel for the writ petitioner as well as Sri Santosh Kumar 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 writ petitioner claims that the third respondent institution, Mahatma Bharti Inter College, Malkauli, District Deoria there are 11 Class-IV post 10 are being manned one is lying vacant approval was sought for making selection but the same was not accorded thereafter advertisement was published in widely circulated news papers, selection committee was constituted which tendered its recommendation on 27.4.2010, selecting the writ petitioner, papers were transmitted on 29.4.2010 for according approval however the approval has not been accorded.

Prayer in the present petition is for a directing the respondent to accord approval.

Learned Standing Counsel submits that the issue with the writ petition seeks to raise needs determination at the first instance by the District Inspector of Schools, Deoria second respondent. The writ petitioner may represent his cause before the second respondent. He does not propose to file any response to the writ petition.

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 second respondent who shall on the receipt of the same, put to notice to

the third and the fourth respondent and thereafter proceed to decide the claim of the petitioner bearing in mind total number sanctioned post, vacancy, approval if any, adherence to the rule, eligibility, suitability of the writ petitioner and the deserving candidates and delay in approaching the court in the case of **Rushaibai Jagdish vs. Bhavnagar Munispal Corporation JT 2022 (5) SC 470** 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 :- 28.11.2023

piyush