

Court No. - 35

Case :- WRIT - A No. - 18793 of 2023

Petitioner :- Mahaveer Prasad

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

Counsel for Petitioner :- Alok Dwivedi

Counsel for Respondent :- C.S.C.

Hon'ble Vikas Budhwar,J.

Heard Sri Alok Dwivedi learned counsel for the writ petitioner and Sri Awadhesh Kumar Mishra learned Standing Counsel, who appears for respondents 1 to 3 and respondent no.4 (Authorised Controller).

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

The case of the writ petitioner is that he was initially appointed as a Class-III employee on 10.10.2009 in the fourth respondent, Committee of Management, Champa Agrawal Inter College, Mathura which according to the description of the fourth respondent in the array of the parties is being manned by an Authorised Controller.

According to the writ petitioner he is armed with no objection certificate from the fourth respondent from where he seeks to be transferred to the fifth respondent institution, Nagar Palika Balika Inter College Koshi Kalan Mathura. He claims to have forwarded the entire documents along with the no objections and after fulfilling the formalities on 4.9.2023 and as per the writ petitioner the third respondent, District Inspector of Schools, Mathura had forwarded the entire documents on 15.9.2023 to the second respondent, Joint Director of Education Agra Region, Agra. It is the further case of the writ petitioner that now the second respondent, Joint Director of Education Agra Region, Agra has returned the papers back to the District Inspector of Schools, Mathura on 26.9.2023 on the premise that there happens to be no provision or regulation regarding transfer of Class-III employees from one institution or the other.

Learned counsel for the writ petitioner submits that there happens to be the provision in the shape of Regulation 110 of the Chapter

III of the U.P. Intermediate Education Act, 1921 according to which inter institution transfer is permissible of the Class-III employees. He further submits that the matter needs reconsideration at the level of the respondents.

Learned Standing Counsel on the other hand submits that let the writ petitioner represents his cause before the third respondent and the third respondent be directed to decide the claim of the writ petitioner. He further submits that he does not propose to file any response to the writ petition.

To such a submission, learned counsel for the 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 third respondent, District Inspector of Schools, Mathura who shall on the receipt of the same shall deal with the contentions raised by the writ petitioner and thereafter proceed to take the follow up action as warranted under law within a period of two months from the date of presentation of the certified copy of the order.

Needless to point out that the writ petition has not been decided on the merits.

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

Order Date :- 8.11.2023

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