

Court No. - 35

Case :- WRIT - A No. - 18675 of 2023

Petitioner :- Reena Singhal

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

Counsel for Petitioner :- Sheetla Sahai Srivastava

Counsel for Respondent :- C.S.C.,Avneesh Tripathi

Hon'ble Vikas Budhwar,J.

1. Instructions filed today is taken on record.
2. Heard Sri Sheetla Sahai Srivastava, learned counsel for the writ petitioner, Sri Atul Khaneja, learned State Law Officer who appears for respondents No. 1 and Sri Avneesh Tripathi, learned counsel who appears for respondents No. 2 to 4.
3. The case of the writ petitioner is that he was appointed on the post of Lecturer in the Department of Plastic Technology in the respondent-University on 07.04.1989 and thereafter he was promoted as Professor with effect from 28.12.2006 vide order dated 30.09.2015 and he was to retire on 31.10.2023. A no dues certificate is stated to have been issued. Learned counsel for the writ petitioner submits that a Government Order had been issued on 12.11.2010 providing for session benefits, relying upon the said Government Order, writ petitioner claims to have represented the cause on 10.08.2023. It is also the case of the writ petitioner that her claim for being permitted to work in the institution in question from 31.10.2023 to 30.06.2024 was not considered so he approached the State Government and on the same a communication is stated to have been issued on 16.10.2023 by the Joint Secretary, State of Uttar Pradesh addressed to the third respondent, Registrar, Harcourt Butler Chemical University, Kanpur. Though the writ petition was earlier filed for a mandamus thereafter a communication is stated to have been issued to the writ petitioner on 09.11.2023 noticing the certain aspects which according to the writ petitioner are not correct while not granting extension.
4. Questioning the same, the writ petitioner filed the amendment application.
5. Learned counsel for the writ petitioner submits that in view of

the Government Order dated 12.11.2010 is entitled as a matter of right to continue till June, 2024, he further submits that the recital contained in the order impugned that response was nil in respect of number of Pd.D. students supervised and number of research works published, number of patents published/granted as well as number of F.D.P Seminars/Conferences etc. are organized, regarding late arrival in the office and other ancillary aspects they are not correct, he has invited the attention of the Court towards various documents so as to show that on some occasions, he was ill and secondly while inviting the attention towards page No. 36 Annexure 7, he seeks give details under the caption highlights of the work done by her. According to him, the writ petitioner would approach the office of Vice Chancellor, Harcourt Butler Technical University, Nawabganj, Kanpur.

6. Sri Avneesh Tripathi, learned counsel who appears for the University submits that in the similar fashion also two of the incumbents Sri Prithvipati and Dr. Rajni Bist were denied as a matter of fact the Government Order does not ipso facto accords a complete and unfettered right to be granted extension as the same is subject to various factors and satisfaction of the University. He, however, submits that, in case, the writ petitioner has a case then this Court under Article 226 would not go into the factual aspects, thus, the writ petitioner may represent his cause before the second respondent.

7. 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 second respondent by filing a comprehensive representation along with self attested copy of the writ petition and the documents which he seeks to rely upon and on the receipt of the same the second respondent shall deal with the same within a period of one month from the date of production of certified copy of the order. The recitals contained in the order dated 09.11.2023 are subject to the final orders to be passed therein.

8. With the aforesaid observations, the writ petition stands disposed of.

Order Date :- 6.12.2023

Rajesh