

Court No. - 35

Case :- WRIT - A No. - 18889 of 2023

Petitioner :- Nanda Pandey

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

Counsel for Petitioner :- Ramesh Chandra Dwivedi

Counsel for Respondent :- C.S.C.

Hon'ble Vikas Budhwar,J.

1. Heard Sri R.C. Dwivedi, learned counsel for the writ petitioner and Sri Ajit Kumar Singh, learned Standing Counsel who appears for respondents No. 1 to 3.

2. In view of the order which is being proposed to be passed today, notice is not being issued to the fourth respondent.

3. The case of the writ petitioner is that Pawa Nagar Mahavir Inter College Fazil Nagar, District Kushinagar is an institution recognized under the provisions of U.P. Intermediate Education Act, 1921 and the provisions of U.P. Act No. 24 of 1971 stand applicable. It is also the case of the writ petitioner that the after Ad hoc promotion of Sri Yogendra Prasad Srivastava from L.T. Grade to Lecturer in Civics a post of Assistant Teacher L.T. Grade fell vacant and the said vacancy notified on 14.07.1997 and thereafter, advertisement was published in two newspapers the writ petitioner claims to have been selected on the basis of the highest quality point marks and was issued appointment order on 03.09.1997 and he was accorded joining on 08.09.1997 and the papers were transmitted on 15.09.1997 before the District District Inspector of Schools, Kushinagar, however approval of the writ petitioner was rejected by the District Inspector of Schools, Kushinagar on 03.10.2000 which was subject matter of challenge in writ petition no. 50459 of 2000 which came to be allowed remitting the matter back to the District Inspector of Schools to pass fresh order on 21.04.2004 and thereafter on 15.11.2006 an order has been passed by the District Inspector of Schools whereby approval to the appointment has been granted from the date of passing of the order of the Writ Court as according to the writ petitioner he is

continuously working in the post in question, Assistant Teacher L.T. Grade since 10.09.1997 till date, however, his claim for regularization has not been considered in term of Section 33G of the U.P. Act No. 5 of 1982 he seeks to rely upon a communication of the Joint Director of Education 7th Region, Gorakhpur seeking inputs to which he seeks to be responded.

4. Prayer in the present petition is for consideration the claim of the writ petitioner.

5. Sri Ajit Kumar Singh, learned Additional Chief Standing Counsel who appears for respondents No. 1 to 3, on the other hand, submits that the issue with regard to the regularization of the services of the writ petitioner needs consideration at the first instance by the second respondent, Regional Selection Committee, Gorakhpur Region Gorakhpur through its Joint Director of Education. He further submits that the writ petitioner may represent his cause before the second respondent, he does not propose to file any response to the writ petition.

6. 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, Regional Selection Committee, Gorakhpur Region Gorakhpur through its Chairman, Joint Director of Education by filing a comprehensive representation along with self attested copy of the writ petition and on the receipt of the same the second respondent shall decide the claim of the writ petitioner after putting to notice the fourth respondent in accordance with law bearing in mind the crucial aspects regarding consideration for regularization within a period of three month from the date of production of certified copy of the order.

7. Needless to point out that passing of this order may not be construed to be an expression that this Court has adjudicated on the merits of the matter.

Order Date :- 8.11.2023

Rajesh