

Court No. - 35

Case :- WRIT - A No. - 19025 of 2023

Petitioner :- Bheem Kumar

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

Counsel for Petitioner :- Prabhat Kumar Singh, Jitender Singh

Counsel for Respondent :- C.S.C.

Hon'ble Vikas Budhwar, J.

Heard Sri Prabhat Kumar Singh, learned counsel for the writ petitioner and Sri Santosh Kumar Mishra, learned Standing Counsel, who appears for respondents 1, 2 and 3.

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

The case of the writ petitioner is that there is an institution Gomti Inter College, Phoopur Prayagraj/Allahabad. The writ petitioner claims to have been appointed on the post of Assistant Teacher (Social Science) on 1.3.2005 pursuant to the recommendation of U.P. Secondary Service Selection Board. He claims to have joined the post in question on 1.3.2005 however according to the writ petitioner earlier he had staked claim of promotion on the post of Lecturer (History) since the same was not being acceded to so he preferred Writ-A No.14474 of 2021 which came to be disposed of on 22.10.2021 requiring the respondents to consider the candidature of the writ petitioner which came to be rejected by the second respondent, Joint Director of Education, Prayagraj Region, Prayagraj on the ground that the writ petitioner was not eligible for the post of Lecturer (History). The writ petitioner further relies upon the avements made in paragraph 12 of the writ petition according to which it is being sought to be shown that the post of Lecturer (Geography) falls within the promotion quota which fell vacant on 31.3.2023 after retirement of Sri Chhtrapati Singh.

Learned counsel for the writ petitioner also seeks to rely upon a communication which has been appended as annexure-7 at page 39B of the District Inspector of Schools, Prayagraj dated 13.10.2023 to the Manager/Principal of the institution in question.

Prayer in the present petition is for a direction to consider the claim of the writ petitioner for promotion.

Sri Santosh Kumar Mishra, learned Standing Counsel submits that issue with the writ petitioner seeks to raise needs determination at the first instance by the second respondent, Joint Director of Education, Prayagraj Region, Prayagraj as the case may be may transmit the entire documents to the Regional Selection Committee for the purposes of consideration of the claim of the writ petitioner. He submits that issues needs to be thrashed out at the first instance and probably this Court may not interfere in the present proceedings. He submits that let the writ petitioner represent his cause before the second respondent, Joint Director of Education, Prayagraj Region, Prayagraj. 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 second respondent, Joint Director of Education, Prayagraj Region, Prayagraj who shall on the receipt of the same, put to notice to the fourth respondent and the other deserving candidate who come within the zone of consideration and thereafter considering the suitability, eligibility and the issue with regard to occurrence of the vacancy a conscious decision be taken 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 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 :- 9.11.2023

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