

Court No. - 35

Case :- WRIT - A No. - 18925 of 2023

Petitioner :- Shahid Ansari

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

Counsel for Petitioner :- Gopal Ji Rai

Counsel for Respondent :- C.S.C.

Hon'ble Vikas Budhwar,J.

Heard Sri Gopal Ji Rai, learned counsel for the petitioner and Sri Ajit Kumar Singh, the learned Addl. Chief Standing Counsel, who appears for Respondents 1 to 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 petitioner is that there is an institution, namely, Sri Satya Narayan Sanskrit Ucchatar Madhyamik Vidyalay, Manihar, District Ballia, which is recognized under the provisions of U.P. Sanskrit Madhyamik Education Board Act, 2000 as the same is affiliated to the Sampurnanand Sanskrit Vishwavidyalaya, District Varanasi. As per the writ petitioner, there were huge scarcity of teaching and non-teaching staff in the institution. The writ petitioner claims that on 05.06.2009, a letter was written by the fourth respondent before the second respondent for according permission for making selection, pursuant where to, the second respondent, District Inspector of Schools, Ballia proceeded to accord permission on 17.06.2009. The writ petitioner further claims that advertisement was published on 3.07.2009 in the newspapers in pursuance where of interviews were also conducted and the writ petitioner was issued an appointment order on 18.12.2009 and joined on 22.12.2009. The papers where of also transmitted to the District Inspector of Schools, but till date approval has not been granted.

Prayer in the present petition is for a direction to the respondents to accord approval to the selection of the petitioners and to decide the representation.

Sri Ajit Kumar Singh, learned Addl. Chief Standing Counsel who appears for Respondents 1 to 3 on the other hand submits that the issue as to whether the writ petitioners were entitled to be accorded

approval for the appointment is to be taken care of at the first instance by the second respondent, District Inspector of Schools, Ballia. In case, the writ petitioners prefer a comprehensive representation accompanied with self-attested copy of the writ petition, it shall be decided and claim of the writ petitioners will be addressed. He further submits that he does not propose to file any response to the writ petition.

Considering the submission of the rival parties, as well as the stand taken by them, the writ petition is being disposed off without seeking any response granting liberty to the writ petition to prefer a comprehensive representation accompanied with self-attested copy of the writ petition before the second respondent, who shall on the receipt of the same proceed to decide the same within a period of three months from the date of production of certified copy of the order. While deciding the said issue, the second respondent shall bear in mind the following fundamental and core issues: (a) The number of sanctioned strength and the vacancies; (b) The selection criteria adopted by the institution in question; (c) the approval, if any; (d) the continuance of the writ petitioner; (e) the adherence of the Acts and the Rules in question; (f) issue of delay in approaching the Court of law any other ancillary issue in that regard.

Since the fourth respondent is not represented through his counsel, thus, before passing any order, the fourth respondent be also put to notice.

Needless to point out that this writ petition has been decided without seeking any response, thus passing of this order may not be construed to an expression that this Court has adjudicated the matter on merits and the second respondent shall pass an order with independent application of mind without being influenced or obsessed with any of the observations made hereinabove.

With the aforesaid observations the writ petition stands **disposed off**.

Order Date :- 8.11.2023

A. Prajapati