

Court No. - 35

Case :- WRIT - A No. - 18902 of 2023

Petitioner :- Ramautar Maurya

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

Counsel for Petitioner :- Jitendra Rpasad Kushwaha,Radheshyam

Counsel for Respondent :- C.S.C.

Hon'ble Vikas Budhwar,J.

Heard Sri Jitendra Prasad Kushwaha, learned counsel for the petitioner as well as Sri Santosh Kumar Mishra, learned Standing Counsel, who appears for respondents 1 to 4.

The case of the writ petitioner is that he was selected as TGT (Trained Graduate Teacher) Science in pursuant to the recruitment exercise and he was accorded his first posting at Inter College, Khalispur, Ghazipur he claims himself to be an heart patient and seeks transfer at any institution in Budaun.

Learned counsel for the writ petitioner claims that he possesses no objection certificate from both the institution i.e.the institution where he is working and where he seeks to transfer. He seeks to rely upon annexure-7 at page 31 a communication dated 14.7.2022 of the District Inspector of Schools, Ghazipur to the Joint Director of Education Varanasi Mandal, Varanasi followed by another communication dated 15.7.2022 of the Joint Director of Education Varanasi Mandal, Varanasi to the Joint Director of Education Bareilly Mandal, Bareilly and also a communication of the Joint Director of Education Bareilly Mandal, Bareilly to the District Inspector of Schools, Badaun. He submits that his claim has not been considered till date.

Learned Standing Counsel, who appears for respondents on the other submits that the issues with the writ petitioner is seeking to raise needs determination at the first instance by the second respondent, Additional Director of Education (Secondary) at 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, Additional Director of Education (Secondary) at Prayagraj, who shall on the receipt of the same, put to notice to the institution from where at the writ petitioner claims to have obtained NOC and thereafter proceed to decide the entitlement of the petitioner strictly in accordance with law within a period of two months from the date of presentation of the certified copy of the order. It is further clarified that in case the second respondent is of the opinion that the matter needs to be addressed by any authority that the papers shall be transmitted.

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 :- 8.11.2023

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