

Court No. - 35

Case :- WRIT - A No. - 18777 of 2023

Petitioner :- Smt. Kiran Tripathi

Respondent :- State Of U.P. And 2 Others

Counsel for Petitioner :- Mathura Prasad Mishra

Counsel for Respondent :- C.S.C

Hon'ble Vikas Budhwar,J.

Heard Sri Mathura Prasad Mishra, learned counsel for the petitioner and Sri S.K. Mishra learned Standing Counsel, who appears for respondents 1 and 2.

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

The case of the writ petitioner is that the third respondent, Sri Jhauva, Dharmnagar, Sanskrit Madhyamik Vidyalay Sikariganj, District Gorakhpur is an institution recognised under the provisions of U.P. Intermediate Education Act, 1921 and the provisions of U.P. Act No. 24 of 1971 stands applicable.

The case of the writ petitioner is that he was appointed on the post of Assistant Teacher in the said institution since 1.7.1989 and he was allowed to officiate as a Principal in the said institution since 9.7.2018 and his signatures have been attested though the writ petitioner has represented his cause before the second respondent, District Inspector of Schools, District Gorakhpur for the payment of monetary benefits enjoyable to the post of officiating Principal but the same has not been paid.

Prayer in the present petition is for a direction to the second respondent, District Inspector of Schools, District Gorakhpur to take needful action.

Sri Santosh Kumar Mishra, learned Standing Counsel submits that the issues with the writ petitioner seeks to raise needs determination at the first instance by the second respondent thus according to him the writ petitioner may represent his cause before the second respondent who shall address to the claim of the writ petitioner. 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, District Inspector of Schools, District Gorakhpur, who shall on the receipt of the same, put to notice to the third respondent and thereafter proceed to decide the claim 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 bearing in mind the claim of the writ petitioner that he was allowed to officiate and his signatures stood attested by the Educational Authority.

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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