

Court No. - 35

Case :- WRIT - A No. - 18867 of 2023

Petitioner :- C/M Mahatma Gandhi Balika Vidyalay Inter College
And Another

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

Counsel for Petitioner :- Gautam Baghel

Counsel for Respondent :- C.S.C.

Hon'ble Vikas Budhwar,J.

1. The facts of the case has further worded in the petition are that the petitioner No. 1 namely, Mahatma Gandhi Balika Vidyalay Inter College, Firozabad is a recognized institution under the provisions of the U.P. Intermediate Education Act, 1921 and the provisions of Act No. 24 of 1971 and 5 of 1982 are applicable. It is the case of the writ petitioners that there are one sanctioned post of Head Clerk and four sanctioned post Assistant Clerk in the petitioner No. 1 institution and one of the Assistant Clerks namely Smt. Mithilesh got promoted on the post of Head Clerk and the approval was accorded by the second Director of Secondary Education, Lucknow in that regard.

2. In para 7 of the writ petition, the persons who are manning the post of Assistant Clerks under the different quotas have been disclosed. The writ petitioners submits that as per the provisions contained under the regulations the writ petitioners have represented the respondents for taking a decision for grant of approval but no action whatsoever taken.

3. Sri Dhirendra Singh learned Standing Counsel who appears for respondents No. 1 to 3 submits that the claim of the writ petitioners for the grant of approval is accorded by the second Director of Secondary Education, Lucknow and in this regard the writ petitioners may approach the second respondent by filing a comprehensive representation along with the self attested copy of the writ petition and on receipt of the same the second respondent shall accord consideration in accordance with law. Learned Standing Counsel submits that they do not propose to file any response to the writ petition.

4. Considering the submission of the rival parties as well as the stand taken by them, the writ petition is being disposed of without

seeking any response from the respondents granting liberty to the writ petitioners to prefer their cause before the second respondent who shall on receipt of the same thereafter proceed to decide the claim of the writ petitioners strictly in accordance with law bearing in mind the adjudication of the core issues:

(a) number of the sanctioned strength;

(b) number of the vacancies;

(c) the basic ingredients as per the schedule required for the grant of approval.

5. The said exercise is to be completed within a period of three months from the date of production of the certified copy of the order, in case, the second respondent is of the opinion that the matter needs to be decided by any other authority then the papers be transmitted to it with due communication to the writ petitioner.

6. Needless to point out that this Court has not adjudicated on the merits of the matter as the writ petition has been decided on the ex parte version.

Order Date :- 8.11.2023

Rajesh