

Court No. - 35

Case :- WRIT - A No. - 19163 of 2023

Petitioner :- Shiv Chandra

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

Counsel for Petitioner :- Pramod Kumar Dubey

Counsel for Respondent :- C.S.C.

Hon'ble Vikas Budhwar,J.

Heard Sri Gopal Ji Rai holding brief of Sri Pramod Kumar Dubey, learned counsel for the petitioner and Sri Shailendra Singh 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 claim of the writ petitioner is for the grant of selection grade after completion of 10 years and promotional pay scale after completion of 12 years as the writ petitioner is working as Assistant Teacher since 7.11.1997 in the third respondent institution, Janta Inter College, Dubauli, District Gorakhpur. According to the writ petitioner a first information report being Case Crime No.291 of 2000, under Sections 409, 420 IPC, P.S. Gola, District Gorakhpur was lodged and the writ petitioner was enlarged on bail. He submits that let a conscious decision be taken.

Sri Shailendra Singh, learned Standing Counsel submits that as per the averments contained in para 17 of the writ petition Criminal Trial is also pending in Case Crime No.291 of 2000, under Sections 409, 420 IPC thus a conscious decision is to be taken as to what would be right of the writ petitioner to claim the said benefits.

Considering the submissions of the rival parties as well as stand taken by them, the writ petition is being disposed of 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 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 three 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 of**.

Order Date :- 2.12.2023

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