

Court No. - 35

Case :- WRIT - A No. - 19130 of 2023

Petitioner :- Ajay Kumar Singh Azad

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

Counsel for Petitioner :- Amit Singh,Prabhakar Awasthi

Counsel for Respondent :- C.S.C.

Hon'ble Vikas Budhwar,J.

Heard Sri Prabhakar Awasthi, learned counsel for the petitioner and Sri Atul Kheneja, learned State Law Officer who appears for respondents 1, 2 and 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 writ petitioner is that on account of the death of the father of the writ petitioner was granted appointment as a Class-IV employee on 5.1.1993 in an institution known as Maniar Inter College, Maniar, District Ballia, he assumed the charge, however since there was no post available the Class-IV employee, he was adjusted in the fourth respondent, Amar Shahid Bhagat Singh Inter College, Rasra, District Ballia. The writ petitioner claims that there were vacancies lying vacant on the post of Assistant Clerk and since he was allowed to perform duty at that point time as in the clerical cadre were paid salary as a Class-IV employee, he preferred Writ-A No.26206 of 2010 which came to be disposed of on 13.1.2017 along with the Writ-A No.26307 of 2010.

Relevant assertions have been made in para 17,18 and 19 of the writ petition so as to suggest that there is a post lying vacant in the clerical cadre to which the writ petitioner claims to be accorded promotion. According to learned counsel for the writ petitioner that District Inspector of Schools, Ballia has written a letter on 1.3.2023 to the Manager of the Principal of the institution in question in order to resolve the issue relatable to the claim of the writ petitioner as Class-III employee followed by another communication dated 25.3.2023.

Prayer in the present petition is for a direction to the third respondent, District Inspector of Schools, Ballia to take

appropriate decision.

Learned State Law Officer on the other hand submits that the issues with the writ petitioner seeks to raise needs determination at the instance of the third respondent, the writ petitioner may represent his cause before the third respondent who shall put to notice fourth respondent.

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 third respondent, . who shall on the receipt of the same, put to notice to the fourth respondent and thereafter proceed to decide the claim of the petitioner strictly in accordance with law within a period of four 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

piyush