

Court No. - 35

Case :- WRIT - A No. - 19348 of 2023

Petitioner :- C/M Yamuna Sanskrit Mahavidyalaya Katsila
Respondent :- State Of U.P. And 3 Others
Counsel for Petitioner :- Lakshman Tripathi
Counsel for Respondent :- C.S.C., Shesh Kumar Srivastava

Hon'ble Vikas Budhwar, J.

Heard Sri Lakshman Tripathi, learned counsel for the petitioner, Sri Gaya Prasad Singh, learned Standing Counsel, who appears for respondents 1, 2 and 4 and Sri Shesh Kumar Srivastava, learned counsel for the respondent no.3.

The case of the writ petitioner is that the same is an institution recognised with the Samurnanand Sanskrit University, Varanasi. The writ petitioner claims that one post of Principal and one post of Assistant Teacher Science fell vacant.

On page 32 of the writ petition there happens to be a communication of the District Inspector of Schools, Chandauli dated 27.10.2017 addressed to the Registrar of the University in question enclosing therewith the letter of the Manager of the institution in question dated 11.7.2017 regarding occurrence of a vacancy on account of retirement of one Sri Sankatha who was working as Assistant Teacher Science in the institution in question.

Learned counsel for the writ petitioner has further invited the attention of the Court towards order dated 30.11.2021, Writ-A No.15452 of 2021 preferred by the writ petitioner wherein consideration was sought for disposal of the representation dated 24.9.2018. Two orders are stated to have been passed first on 13.9.2022 by the respondent University according approval for the post of Principal and so far as the order dated 13.9.2022 is concerned (first order) the same is referable to for nomination of the expert for the post of Principal as well as the (second order), 13.9.2022 is concerned the same seeks to negate the claim of the writ petitioner's institution for nomination of the expert for selection on the post of Assistant Teacher (Science). Questioning the second order dated 13.9.2022 the writ petitioner has filed the present writ petition.

The writ petitioner submits while inviting attention of the Court towards annexure-8 at page 85 reference whereof has been

made in paragraph no.16 of the writ petition so as to contend that when the approval order was issued on 20.9.1991 by the University approving the selection of Sri Sankatha, who was working as the post of Assistant Teacher, Science and then it becomes apparently clear that it was within the knowledge of the University that the said vacancy was Assistant Teacher, Science. However, he submits that might be there have been a typographical error in the communication made by the writ petitioner before District Inspector of Schools, District Chandauli but that cannot be a ground to negate the claim of the writ petitioner. He submits that the writ petitioner shall submit entire documents to the District Inspector of Schools, District Chandauli for fresh consideration by the University in question. To such a submission, Sri Shesh Kumar Srivastava, learned counsel for the respondent nos. 2 & 3 has no objection.

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 approach the District Inspector of Schools, District Chandauli while submitting all the documents as required therein as per the statute and thereafter the papers be transmitted by the District Inspector of Schools, District Chandauli to the University and the University shall take a decision within a period of two months from the date of presentation of the certified copy of the order. The order challenged in the writ petition being the second order dated 13.9.2022 (second) shall not come in the way for fresh consideration.

With the aforesaid observation, the writ petition is **disposed of**.

Order Date :- 1.12.2023

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