

Court No. - 35

Case :- WRIT - A No. - 19207 of 2023

Petitioner :- Akash Singh And Another

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

Counsel for Petitioner :- Ramesh Chandra Dwivedi

Counsel for Respondent :- C.S.C.

Hon'ble Vikas Budhwar,J.

1. Heard Mrs Richa Dwivedi (AOR No. AYR 1807/2022) holding brief of Sri Ramesh Chandra Dwivedi learned counsel for the petitioners and Sri Santosh Kumar Mishra learned Standing Counsel, who appears for Respondent 1 and 2 .

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

3. The case of the writ petitioners is for appointment as Assistant Teachers in the attach Primary Vidyalaya of Janta Intermediate College Kaptanganj, Kushinagar recognized under the provisions of the govern institute. The writ petitioner submits that due to shortage of teaching consequent to the permanent vacancies approval was sought from the District Inspector of Schools, Kushinagar however no approval was accorded and advertisement was published in between 2016 thereafter the writ petitioners claim to have been selected.

3. Prayer in the present petition is for a direction in the nature of mandamus directing the District Inspector of Schools, Kushinagar to consider for granting approval to the appointment of the petitioners as Assistant Teachers in the attach Primary Vidyalaya of Janta Intermediate College Kaptangaj, District Kushinagar and issue a writ, order or direction in the nature of mandamus directing the District Inspector of Schools, Kushinagar to consider and pass appropriate order on the representation made by the petitioners for granting approval to their appointment as Assistant Teachers in the attached Primry Vidyalaya of Janta Intermediate College, Kaptanganj, District Kushinagar.

4. Sri Santosh Kumar Mishra learned Standing Counsel, submits that the writ petition is inordinately barred by delay in latches, however submits that the claim of the writ petitioner needs to be addressed at the first instance by the second respondent approval by the District Inspector of Schools,

Kushinagar and submits that the writ petitioner may approach to the second respondent.

5. 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 petitioners to approach the second respondent who shall on the receipt of the same put to notice to the third respondent and thereafter proceed to decide the claim of the petitioners strictly in accordance with law within a period of three months from the date of production of certified copy of the order bearing in mind: (a) sanctioned strength; (b) total number of vacancies; (c) adherence to the rules; (d) import and impact of non-grant of approval; (e) eligibility, suitability of the writ petitioners and deserving candidates; (f) other ancillary and incidental issues.

6. 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.

7. With the aforesaid observation, the writ petition is ***disposed off***.

Order Date :- 28.11.2023

Suraj Srivastav