

Court No. - 35

Case :- WRIT - A No. - 19746 of 2023

Petitioner :- Vinay

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

Counsel for Petitioner :- Gopal Ji Rai

Counsel for Respondent :- C.S.C

Hon'ble Vikas Budhwar,J.

Heard Sri Deepak Kesharwani holding brief of Sri Gopal Ji Rai, learned counsel for the writ petitioner and Sri Pradeep Kumar Shahi, learned Additional Chief Standing Counsel who appears for respondents No. 1 to 3.

In view of the order which is being proposed to be passed today, notice is not being issued to the fourth respondent.

The case of the writ petitioner is that the fourth respondent, Shri Mahtpaleswar Hariprapann Ramanuj Adarsh Sanskrit Uchchar Madhyamik Vidyalay, Sahatwar, District Ballia is an institution recognized under the provisions of the U.P. Sanskrit Madhyamik Education Board Act, 2000 and the Government Orders so issued therein. As per the writ petitioner, there are various Class IVth posts lying vacant and the Principal of aforesaid institution in question had made communication on 10.05.2011 before the District Inspector of Schools, Ballia for according permission for making appointment of Class IV posts. However, since in the institution in question due to scarcity of the class IV staff the functioning of this institution was jeopardized so an advertisement was published in widely circulated newspaper on 28.06.2011 pursuant where to selection committee was constituted on 04.07.2011 and the writ petitioner after being selected was issued appointment order on 4.07.2011 and he joined the post on 8.07.2011, however, till date no approval has been accorded.

Prayer in the present petition is for a direction to the respondents to consider the claim of the writ petitioner for grant of approval.

Sri Pradeep Kumar Shahi, learned Additional Chief Standing Counsel submits that he does not propose to file any response to the writ petition however the writ petitioner may represent his cause before the second respondent,

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 granting liberty to the writ petitioner to prefer a comprehensive representation either directly or through second respondent institution before the District Inspector of Schools, Ballia who shall accord consideration to the claim of the writ petitioner within a period of three months from the date of production of certified copy of the order bearing in mind the following fundamental and core issues; (a) the total number of sanctioned post; (b) the total number of vacancy; (c) the conduction of the selection without any approval; (d) the issue as to whether the writ petitioner's appointment and the fourth respondent institution is entitled to be accorded approval for the appointment as per the relevant statute and the Government Order; (e) any other ancillary and incidental issue in challenging the issue of delay.

Needless to point out that passing of this order may not be construed to be an expression that this Court has adjudicated the matter on merits and before taking any decision fourth respondent be put to notice.

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

Order Date :- 5.12.2023

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