

Court No. - 35

Case :- WRIT - A No. - 19470 of 2023 (*Leading Petition*)

Petitioner :- Sooraj Pathak

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

Counsel for Petitioner :- Gopal Ji Rai

Counsel for Respondent :- G.A.

:With:

Case :- WRIT - A No. - 19473 of 2023 (*Connected C-1 Petition*)

Petitioner :- Sandeep Tiwari And Another

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

Counsel for Petitioner :- Gopal Ji Rai

Counsel for Respondent :- C.S.C.

:With:

Case :- WRIT - A No. - 19480 of 2023 (*Connected C-2 Petition*)

Petitioner :- Suman Singh And Another

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

Counsel for Petitioner :- Gopal Ji Rai

Counsel for Respondent :- C.S.C.

:And:

Case :- WRIT - A No. - 19481 of 2023 (*Connected C-3 Petition*)

Petitioner :- Kiran Yadav And Another

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

Counsel for Petitioner :- Gopal Ji Rai

Counsel for Respondent :- CSC

Hon'ble Vikas Budhwar,J.

Today, all the four petitions are listed at Sl. Nos. 20, 21, 23 and 24 in the list of fresh cases.

Learned counsel for the parties have made a statement at Bar that common questions of law and facts are involved in the present writ petitions. Accordingly, the writ petitions are being taken compositely and decided by a common order.

Heard Sri Gopal Ji Rai, learned counsel for the petitioner as well as Sri Santosh Kumar, the learned Standing Counsel, who appears for Respondent Nos.1 to 3.

In view of the order, which is being proposed to be passed today, notices are not being issued to the 4th respondent.

The case of the writ petitioner in the leading writ petition is that there is an Institution by the name of Shri Mahtpaleshwar Hariprapann Ramanuj Adarsh Sanskrit Uchchatar Madhyamik Vidyalay, Sahatwar, District Ballia, which is recognized under the provisions of Sampurnanand Sanskrit Vishvavidhyalay District Varanasi and the provisions of U.P. Sanskrit Madhyamik Education Board Act, 2000 stand applicable.

According to the writ petitioner, Class IV posts fell vacant, permission was sought, but when the same was not accorded, on 15.06.2015, the vacancy was advertised, Selection Committee was constituted, the writ petitioner claims to have selected and appointed on 02.07.2015 and thereafter accorded joining on 07.07.2015, however, approval to the appointment has not been accorded.

In so far as the connected C-1 petition is concerned, the same has been filed by the two petitioners, wherein barring the change of the Institution, fourth respondent Shri Mahtpaleshwar Hariprapann Ramanuj Adarsh Sanskrit Uchchatar Madhyamik Vidyalay, Sahatwar, District Ballia, there are no material difference except that two vacancies on the post of Class-IV employees stood vacant on 30.06.2006 and 31.03.2010, permission was sought, the writ petitioner claims to have accorded appointment on 14.07.2010, joining on 22.07.2010, however, approval to the appointment is still pending.

In so far as the connected C-2 petition is concerned, in the fourth respondent Institution, Shri Mahtpaleshwar Hariprapann Ramanuj Adarsh Sanskrit Uchchatar Madhyamik Vidyalay, Sahatwar, District Ballia, vacancies fell vacant, selections were conducted, and appointment order was issued on 03.07.2002, joining was accorded on 08.07.2002, however, approval to the appointment is still pending.

Likewise, the connected C-3 petition emanates from the facts that there is an Institution, Shri Mahtpaleshwar Hariprapann Ramanuj Adarsh Sanskrit Uchchatar Madhyamik Vidyalay, Sahatwar, District Ballia, vacancies fell vacant, approval was sought, but when the same was not granted, posts were advertised 09.10.2021 and interview was fixed on 11.11.2021, appointed on 11.11.2021 and joining was accorded on 15.11.2021, however, approval to the appointment has not been accorded.

In nutshell, the relief sought in the writ petitions is for a direction to the second respondent, District Inspector of Schools, Ballia to accord consideration to the selection and appointment of the writ petitioner.

Sri Santosh Kumar, learned Standing Counsel, who appears for the State official respondents submits that the issue, which the writ petitioners raise, needs determination at the level of the second respondent, District Inspector of Schools, Ballia. The writ petitioners may represent their cause before the second respondent and he shall address to the claim of the writ petitioners.

To such a submission, learned counsel for the writ petitioner has no objection and he gracefully accepts the same.

Considering the submission of the rival parties as well as the stand taken by them, the writ petition is being disposed off without seeking any response from the respondents granting liberty to the writ petitioner to approach the second respondent, District Inspector of Schools, Ballia along with a comprehensive representation accompanied with self-attested copy of the writ petition, who shall, on the receipt of the same, put to notice the writ petitioner and the Committee of Management of the Institution in question/ Principal of the Institution in question and thereafter proceed to decide the claim of the writ petitioners 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 vacancies, (b) eligibility and suitability of the writ petitioner and other deserving candidates, (c) adherence to the rules and (d) the issue of delay in approaching the Court for claiming the benefits; and (e) any other incidental and ancillary benefits.

With the aforesaid observations the writ petition stands **disposed off**.

Order Date :- 23.11.2023

N.S.Rathour