

Court No. - 35

Case :- WRIT - A No. - 19640 of 2023

Petitioner :- Akhilesh Tripathi

Respondent :- State Of U.P. And 6 Others

Counsel for Petitioner :- Uma Nath Pandey

Counsel for Respondent :- CSC

Hon'ble Vikas Budhwar,J.

1. Heard Sri Shiv Ram Dubey (AOR A/C 0734/2016) holding brief of Sri Uma Nath Pandey, learned counsel for the writ petitioner and Sri Atul Khaneja, State Law Officer who appears for respondents No. 1 to 4.

2. In view of the order which is being proposed to be passed today, notices are not being issued to respondents No. 5 to 7.

3. The case of the writ petitioner is that the fifth respondent, Ganesh Madhyamik Sanskrit Vidyalaya Dakshin Darwaja, District Basti is a Sanskrit Institution recognized under the provisions of the relevant statute pursuant to the Government Order dated 24.07.2021 as modified on 17.05.2023 selection proceedings was initiated for appointment of teachers on contractual basis. It is the case of the writ petitioner that advertisement was published in two newspapers on 08.06.2023 last date of submission of the application form was 23.06.2023, however, the application form of the seventh respondent was rejected. It is also the case of the writ petitioner that now the said application form of the seventh respondent despite being rejected is being entertained and now selection has been tailored in her favour. He seeks to rely upon various judgments of this Court.

4. Sri Atul Khaneja, learned State Law Officer submits that the issues which the writ petitioner is raising needs determination at the level of the third respondent, Joint Director of Education Basti at the first instance, thus, the third respondent be directed to decide the claim of the writ petitioner, he further submits that he does not propose to file any response to the writ petition.

5. 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 from the respondents granting liberty to the writ petitioner to prefer a comprehensive representation before the fourth respondent, Joint Director of Education Basti who shall on the receipt of the same proceed to decide the claim of the writ petitioner within a period of two months from the date of production of certified copy of the order. The third respondent shall before taking a conscious decision put to notice the fifth, sixth and seventh respondents and seek inputs from them and decide the entitlement of the writ petitioner.

6. Needless to point out that this Court has not adjudicated on the merits of the matter.

Order Date :- 4.12.2023

Rajesh