

Court No. - 35

Case :- WRIT - A No. - 19961 of 2023

Petitioner :- Vidya Sagar Ojha

Respondent :- State Of U.P. And 5 Others

Counsel for Petitioner :- Anand Kumar Pandey

Counsel for Respondent :- C.S.C.

Hon'ble Vikas Budhwar,J.

The submission of the learned counsel for the writ petitioner namely, Anand Kumar Pandey is this that there is an institution namely Baba Laxman Das Dwaba Rastriya Inter College Ballia through its Manager, fifth respondent which is an institution governed under the U.P. State Intermediate Education Act, 1921 and the provisions of the Payment of Salary Act stands applicable. It is further the case of the writ petitioner that pursuant to the direction of the Hon'ble High Court in the case of Dhruv Narayan Singh Vs. State of U.P. in Writ A No. 26307 of 2010 an exercise was undertaken for the purposes of finding out the total number of sanctioned strength of class III, class IV and teachers vis-a-vis the students. It is the case of the writ petitioner that the management of the institution in question by virtue of the application dated 02.02.2018 sought permission from the fourth respondent District Inspector of Schools, Ballia for making selections. It is further the case of the writ petitioner that the advertisement was published pursuant where to the writ petitioner was accorded appointment as an Assistant Clerk on 27.03.2018 and the joining was accorded on 01.04.2018 and despite the fact that the management and the writ petitioner kept on representing the matter for granting financial approval the same is not being granted.

Prayer in the present writ petition is for a direction to the respondents to decide the claim of the petitioner for according approval as Assistant Clerk in the institution in question and in alternative to decide the representation dated 30.05.2023. Sri Santosh Kumar Mishra learned Standing Counsel, on the other hand, submits that the issues with the writ petitioner is raising needs determination at the level of the fourth respondent, District Inspector of Schools, Ballia at the first instance, thus, the fourth respondent be directed to decide the claim of the writ petitioner. The petitioner may get his claim espoused through respondent Nos. 5 and 6. Sri Mishra learned Standing Counsel further submits

that he does not propose to file any response to the writ petition.

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 to respondent No. 4, District Inspector of Schools, Ballia who shall on the receipt of the same proceed to decide the claim of the writ petitioner for according financial approval within a period of three months. The fourth respondent shall before taking a conscious decision put to notice the fifth and the sixth respondents and seek inputs from them and decide the entitlement of the writ petition on the following core issues; (a) total number of sanctioned strength available in the fifth respondent institution; (b) total number of non-teaching staff working there; (c) the selection criteria adopted by the fifth respondent; (d) import and the impact of non-grant of approval for making selections; (e) entitlement of the writ petitioner for issuance of appointment and approval (f) any other ancillary issues including delay if any.

Needless to point out that this Court has not adjudicated the matter on merit.

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

Order Date :- 4.12.2023

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