

Court No. - 35

Case :- WRIT - A No. - 19761 of 2023

Petitioner :- Nagesh Kumar Dubey

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

Counsel for Petitioner :- Prabhat Kumar Singh, Shivendra Bahadur Singh

Counsel for Respondent :- C.S.C

Hon'ble Vikas Budhwar, J.

Heard Sri Prabhat Kumar Singh, learned counsel for the petitioner and Sri Dharendra Kumar Singh, learned Standing Counsel, who appears for respondents 1, 2 and 3.

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

The case of the writ petitioner is that he was selected pursuant to an advertisement published on 20.8.1997 and by virtue of an appointment order dated 4.10.1997 and it was accorded joining on 6.10.1997. Since the payment of salary was not being made so he preferred Writ-A No.7604 of 1998 which came to be disposed of on 6.3.1998 whereafter the District Inspector of Schools, Jaunpur proceeded to accord approval for payment of salary however again the writ petitioner's salary was stopped, he preferred Writ-A no.43360 of 1999 which came to be decided on 8.10.2019 pursuant where to the District Inspector of Schools, Jaunpur proceeded to pass an order dated 13.12.1999. It is also the case of the writ petitioner that he has been paid revised pay-scale. However, according to the writ petitioner he is not being considered for regularisation in terms of Section 33-D of the U.P. Act No.5 of 1982.

Learned Standing Counsel on the other hand submits that the issues with the writ petitioner seeks to raise needs determination at the first instance by the second respondent, Joint Director of Education, Varanasi Region, Varanasi, Chairman of Regional Level Committee who shall transmit the papers to the Committee who shall decide the case. He further submits that he does not propose to file any response to the writ petition.

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 petitioner to prefer a comprehensive representation along with the self-attested copy of the writ petition before the second respondent, who shall on the receipt of the same, put to notice to the fourth respondent and thereafter proceed to decide the claim of the petitioner strictly in accordance with law within a period of three months from the date of presentation of the certified copy of the order.

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.

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

Order Date :- 5.12.2023

piyush