

Court No. - 35

Case :- WRIT - A No. - 19929 of 2023

Petitioner :- Sachin Tiwari

Respondent :- State Of U.P. And 2 Others

Counsel for Petitioner :- Rajnish Kumar Srivastava, Siddharth Srivastava

Counsel for Respondent :- C.S.C.

Hon'ble Vikas Budhwar, J.

Heard Sri Rajnish Kumar Srivastava, learned counsel for the petitioner and Sri H.K. Shukla, the learned Standing Counsel, who appears for Respondents 1 and 2.

In view of the order, which is being proposed to be passed today, notices are not being issued to the 3rd respondent.

The case of the writ petitioner is that the third respondent, Adarsh Sanskrit Uchchatar Madhyamik Vidyalaya Rampur, Jaunpur is a recognized under the provisions of Sampurnanand Sanskrit University and the provisions of U.P. Act No.24 of 1971 stand applicable. According to the writ petitioner, there happens to be a Government Order dated 21.04.1998 and Circular dated 10.10.2012 for making selections made against a vacancy, which had fallen vacant on the post of Assistant Teacher (Adhunik) due to retirement of one Sri Mangala Prasad Tiwari. Permission was sought, but the same was not accorded, in the interest of the Institution, Advertisement was published in two widely circulated newspapers in the year 2020. The petitioner claims to have been accorded appointment and accorded joining as an Assistant Teacher (Adhunik) on 01.10.2020.

Prayer in the present petition is for a direction for according approval to the appointment of the writ petitioner.

Sri Shukla, learned Standing Counsel submits that the issue which the petitioner seeks to raise needs determination at the first instance by the second respondent, District Inspector of Schools, Jaunpur, the petitioner may represent his cause before the second respondent. He further submits that he does not propose to file any response to the writ petition.

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, Jaunpur 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 third respondent and other deserving candidates and thereafter proceed to consider the grievance 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 total sanctioned strength, vacancies, eligibility and suitability of the writ petitioner as well as of deserving candidates.

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

Order Date :- 1.12.2023

N.S.Rathour