

Court No. - 35

Case :- WRIT - A No. - 20192 of 2023

Petitioner :- Radha Raman Rai

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

Counsel for Petitioner :- Arjun Prasad Yadav

Counsel for Respondent :- C.S.C.,Prabal Pratap

Hon'ble Vikas Budhwar,J.

1. Heard Shri Arjun Prasad Yadav, learned counsel for the writ petitioner as well as Shri Vijay Pratap Singh, learned Standing Counsel who appears for respondent Nos.1 and 2 and Shri K.K. Roy Advocate holding brief of Shri Prabal Pratap, who appears for respondent No.4.

2. In view of the order, which is being proposed to be passed today, notices are not being issued to the respondent No.3.

3. As per the pleading set forth in the writ petition the writ petitioner claims to be senior to the fourth respondent in the cadre of Class-IV posts. Questioning the order dated 24.08.2018 according promotion to the fourth respondent as Assistant Clerk the writ petitioner claims to have preferred Writ A No.5069 of 2019 (Radha Raman Rai Vs. State of U.P.) which according to the writ petitioner is pending consideration before this Court. However, now the District Inspector of Schools, Ghazipur accorded approval for the promotion of the fourth respondent as Head Clerk on 22.09.2023.

4. Assailing the order dated 22.09.2023 passed by the District Inspector of Schools, Ghazipur, the writ petitioner has preferred the present writ petition alleging that the said order has been procured by the fourth respondent while concealing the factum of pendency of Writ A No. 5069 of 2019 preferred by the writ petitioner. In the opinion of the Court, since the writ petitioner has already challenged the order dated 24.09.2018 according promotion to the fourth respondent from Class-IV posts to Class-III posts which is pending, thus it is not open particularly at this stage, in the present proceedings in question, the order dated 29.09.2023 according promotion to fourth respondent from Assistant Clerk to Head Clerk.

5. The writ petition is accordingly consigned to records, leaving it open for the writ petitioner to pursue the pending writ petition and it goes without saying that in case the writ petitioner succeeds in the said writ petition then virtually the order which is subject matter of challenge would fall down.

6. With the aforesaid observation, the writ petition is **disposed off**.

Order Date :- 13.12.2023

A Gautam