

Court No. - 35

Case :- WRIT - A No. - 20093 of 2023

Petitioner :- Divyanshu Tiwari

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

Counsel for Petitioner :- Vimal Kumar

Counsel for Respondent :- C.S.C.

Hon'ble Vikas Budhwar,J.

Heard Sri Vimal Kumar, learned counsel for the petitioner as well as Sri Gaya Prasad Singh, learned Standing Counsel, who appears for respondents 1 to 5.

In view of the order, which is being proposed to be passed today, notices are not being issued to the 6th respondent.

The case of the writ petitioner is that there is an institution by the name of of Adarsh Inter College, Siwankalan, District Ballia which is recognised under the provisions of U.P. Intermediate Education Act, 1921. Consequent to the retirement of two incumbents, Smt. Sneh Lata Head Clerk and Sri Anil Kumar Srivastava, Assistant Clerk vacancy stood arisen pursuant whereto permission was accorded by the District Inspector of Schools, Ballia on 14.8.2017 for making selection. Post issuance of the advertisement in selection the writ petitioner claims to have been appointed on 20.9.2017 and accorded joining on 25.9.2017 however till date approval has not been accorded.

Learned Standing Counsel submits that the issues with the writ petitioner seeks to raise needs determination at the first instance by the District Inspector of Schools, Ballia. He further submits let the writ petitioner represents his cause before the said authority. 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 fourth respondent, who shall on the receipt of the same, put to notice to the fifth and the respondents and thereafter proceed to decide the entitlement of the petitioner strictly in accordance with law within

a period of two months from the date of presentation of the certified copy of the order bearing in mind total number sanctioned post, vacancy, approval if any, adherence to the rule, eligibility, suitability of the writ petitioner and the deserving candidates

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