

Court No. - 35

Case :- WRIT - A No. - 20215 of 2023

Petitioner :- Mithilesh Kumar Yadav

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.

1. Heard Sri Rajnish Kumar Srivastava, learned counsel for the writ petitioner and Sri Vijay Pratap Singh has accepted notice on behalf of respondents No. 1 and 2.

2. In view of the order which is being proposed to be passed today, notice is not being issued to the third respondent.

3. The case of the writ petitioner is that in the third respondent-institution, Deovani Pracharak Sanskrit Madhyamik Vidyalay Shahganj, Jaunpur there are three sanctioned posts of Assistant Teacher and one post of Head Master since the institution is governed under the provisions of referable to Sanskrit so appropriate proceedings were drawn for making selection, as no approval was accorded so on 05.09.2012 advertisement was published, he claims to have been selected and appointed but till date no financial approval has been accorded.

4. Prayer in the present petition is for a direction to the second respondent, District Inspector of Schools, Jaunpur to accord approval.

5. Sri Vijay Pratap Singh, learned Standing Counsel, on the other hand, submits that the issue which the writ petitioner seeks to raise needs determination by the second respondent, District Inspector of Schools, Jaunpur the writ petitioner may represent his cause before the second respondent who shall take appropriate decision in that regard. He does not propose to file any response to the writ petition.

6. Considering the submission of the rival parties as well as the stand taken by them, the writ petition is being disposed of granting liberty to the writ petitioner to approach the second respondent, District Inspector of Schools, Jaunpur by filing a comprehensive

representation along with self attested copy of the writ petition and on the receipt of the same the second respondent shall decide the entitlement of the writ petitioner strictly in accordance with law after putting to notice the third respondent within a period of three months from the date of production of certified copy of the order bearing in mind the total number sanctioned vacancies; selection procedure adopted; eligibility suitability of the writ petitioner and deserving candidates and the delay, if any, in approaching the Court and making selections without there being an approval.

7 With the aforesaid observations, the writ petition stands disposed of.

Order Date :- 13.12.2023

Rajesh