

Court No. - 35

Case :- WRIT - A No. - 20310 of 2023

Petitioner :- Vimal 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 as well as Sri Santosh Kumar Mishra, learned Standing Counsel who appears for respondent nos. 1 and 2.

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

3. The writ petitioner claims that one post of Assistant Clerk fell vacant in the institution in question due to retirement of Sri Dalsingar Yadav. An advertisement is stated to have been published in newspapers in the year 2022 on 21.4.2022.

4. The writ petitioner claims to have participated on the said selection post having necessary qualification of CCC Certificate. Select list was published. He was issued appointment order on 23.5.2022 and he joined the institution on 26.5.2022. Papers were sent for approval but they have not been processed the file.

5. Prayer in the present petition is for taking decision with the said applications.

6. Learned Standing Counsel who appears for respondents submits that the issue with the writ petitioner needs determination at the first instant by respondent no. 2, District Inspector of Schools, Jaunpur, the writ petitioner may approach before the respondent no. 2. He further submits that he does not propose to file any response to the writ petition.

7. Considering the submission of rival parties as well as stand taken by them, the writ petition is being disposed granting liberty to the writ petitioner to approach the respondent no. 2, who shall put to notice the respondent no. 3 and decide the claim of the

petitioner bearing in mind the total number of sanctioned strength, vacancies, eligibility, suitability of the writ petitioner and the deserving candidates, procedure adopted for making selections, import and impact of the non according of approval before making selections.

8. The said exercise is to be concluded within a period of three months, strictly, in accordance with law.

Order Date :- 7.12.2023

S.A.