

Court No. - 35

Case :- WRIT - A No. - 20219 of 2023

Petitioner :- C/M Adarsh Inter College

Respondent :- State Of U.P. And 4 Others

Counsel for Petitioner :- Ajay Rajendra

Counsel for Respondent :- CSC

Hon'ble Vikas Budhwar,J.

1. Heard Sri Ajay Rajendra, learned counsel for the writ petitioner and Sri Ratan Deep Mishra, learned Standing Counsel who appears for respondents No. 1 to 4.

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

3. The writ petitioner herein claims itself to be an institution recognized under the provisions of U.P. Intermediate Education Act, 1921. It is also the case of the writ petitioner that the fifth respondent was though appointed on 08.07.1991 as Assistant Teacher on ad hoc basis under Section 18 of the 1982 Act but he was regularized under Section 33C(2) on 30.07.2016 pursuant to the order of the Writ Court dated 04.07.1992 dated 13.11.1992 and he is getting salary but his regularization is based upon forgery, the writ petitioner claims that there happens to be various communications which have been annexed as Annexure 6 at page 33 of the Deputy Director of Education, Madhyamic-2, Education Directorate, dated 31.05.2023 Annexure 7 dated 20.06.2023 of Joint Director of Education on 06.10.2023 of the District Inspector of Schools, Baghpat, Annexure 9 dated 16.10.2023 of the District Inspector of Schools, Baghpat, Annexure 11 on 31.10.2023 of the District Inspector of Schools, Baghpat, Annexure 13 but no final decision has been taken.

4. Prayer in the present petition is for disposal of the said complaint of the writ petitioner and to pass orders thereon.

5. Sri Ratan Deep Mishra, learned Standing Counsel, on the other hand, submits that the issue which the writ petitioner seeks to raise needs determination by the Educational Authorities the writ petitioner may represent his cause before the competent authority 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, Director of Education, Secondary, Prayagraj 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 claim of the writ petitioner strictly in accordance with law after putting to notice the fifth respondent within a period of three months from the date of production of certified copy of the order.

7. Needless to point out that passing of this order may not be construed to be an expression that this Court has adjudicated on the merits of the matter.

Order Date :- 13.12.2023

Rajesh