

Court No. - 35

Case :- WRIT - A No. - 20340 of 2023

Petitioner :- Vijay Bahadur Rai

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

Counsel for Petitioner :- Anil Kumar Yadav

Counsel for Respondent :- CSC

Hon'ble Vikas Budhwar,J.

1. Heard learned counsel for the writ petitioner as well as Sri Shailendra Singh, learned Standing Counsel who appears for respondent nos. 1, 2 and 3.

2. In view of the order which is being proposed to be passed, notices are not being issued to the respondent no. 4.

3. The case of the writ petitioner is that he was appointed Ad-hoc Lecturer on 16.12.1999 in pursuance of the provisions contained under Uttar Pradesh Secondary Education (Removal of Difficulties), Second Order, 1981. He claims to join on 19.12.1995. Since he was not accorded approval, he preferred writ petition and pursuant to the order passed, wherein, approval has been granted to the writ petitioner on 15.12.2014. Learned counsel for the writ petitioner seeks to rely upon the provisions contained under Section 33G of the U.P. Act No. 5 of 1982 for consideration of his claim for regularization.

4. Sri Shailendra Singh, learned Standing Counsel submits that from the perusal of the approval dated 5.12.2014 approval has been accorded with effect from 1.7.2014, however, he submits that the said issue needs determination at the first instance by the Regional Selection Committee headed by the Joint Director of Education (Secondary), 7th Region Gorakhpur, District Gorakhpur. He further submits that he does not propose to file any response to the writ petition. Let the writ petitioner approach before respondent no. 2.

5. Considering the submissions of rival parties as well as stand taken by them, the writ petition stands disposed of granting liberty to the writ petitioner to approach respondent no. 2 who shall on receipt of the same put to notice respondent no. 4 and thereafter, proceed to decide the claim of the writ petitioner for consideration

of regularization, within a period of three months bearing in mind the approval order and entitlement of the writ petitioner under the special provisions.

Order Date :- 7.12.2023

S.A.