

Court No. - 9

Case :- CONTEMPT APPLICATION (CIVIL) No. - 8895 of 2023

Applicant :- Nisha Rani

Opposite Party :- Mr. Pratap Singh Baghel, Secretary, U.P. Basic Shiksha Parishad

Counsel for Applicant :- Dev Kant Trigunait

Hon'ble Rohit Ranjan Agarwal,J.

The writ Court on 03.12.2022 in Writ-A No.10040 2022 had passed the following order:-

"Heard Sri Dev Kant Trigunait, learned counsel for the petitioner, Ms. Aruna Singh under the authority of Smt. Archana Singh, learned counsel representing respondent No. 3 and learned Standing Counsel who has accepted notice on behalf of State-respondent.

By means of the present writ petition, the petitioner is seeking issuance of a writ of mandamus commanding the respondent No. 3 to reallocate the district considering the preference and total quality point marks obtained by the petitioner.

Ms. Aruna Singh under the authority of Smt. Archana Singh, as well as learned Standing Counsel vehemently submits that the similar controversy, as raised in the present petition, has already gained attention of this Court in Writ- A No. 8949 of 2022 (Hina Islam vs. State Of U.P. And 2 Others) along with connected cases, which writ petition has been dismissed by this Court vide order dated 20.10.2022, observing as under:-

".....

11. I have heard learned counsels for the parties and perused the record.

12. The issue under consideration before this Court is with respect to allocation of the Districts to the candidates, who were selected as Assistant Teachers. The advertisement was issued way back in the year 2018 and the selection process was completed. The candidates, who were selected, have joined at their respective places of posting in the year 2018 itself. The Division Bench of this Court in Special Appeal No. 274 of 2020 decided on September 14, 2021 passed a consenting order. It was further observed that the candidates already selected/posted and working in the respective districts of any category shall not be disturbed.

13. The Special Appellate Bench in Special Appeal Defective No. 1048 of 2021 (O&M) Tiwari Manish and others versus State of U.P. and others and Special Appeal No. 274 of 2020 has further laid down that the things already which have already been settled, cannot be unsettled especially where there are large number of candidates still available, who have not challenged the order passed by the learned Single Judge. Any interference

in the present appeals will open a floodgate and will not let the State to finalize the issue of allocation of districts to the selected candidates.

14. In view of the above, this Court is not inclined to interfere in the matter. The aforesaid bunch of writ petitions lack merit and are accordingly dismissed.

15. However, it is left open for the petitioner(s) to move a representation before the Secretary, U.P., Basic Shiksha Parishad, Shiksha Nideshalaya at Prayagraj clearly setting out his/her/their claim.

16. In the eventuality of filing such a representation, it is expected that the Secretary, U.P., Basic Shiksha Parishad, Shiksha Nideshalaya at Prayagraj shall consider and decide the representation for reallocation of district, in the end sessions of academic year so that the functioning of the institution may not be affected, in accordance with law."

In view of the above, the Court is not inclined to interfere in the matter and accordingly, the writ petition stands dismissed. However, it is left open for the petitioner to move a representations before the respondent No. 3 / Secretary, Basic Shiksha Parishad, U.P. at Prayagraj, for reallocation of her districts within a period of three weeks from today.

In the eventuality of such representations being moved with the time allowed by this Court, the respondent No. 3 is expected to consider and decide the representation, in accordance with law, at the end of the academic sessions so that the functioning of the institution may not be affected."

From the perusal of the aforesaid order, it is clear that the writ Court had declined to interfere in the matter.

As the writ Court had declined to interfere in the matter, present contempt application is misconceived and the same stands dismissed.

Order Date :- 15.12.2023

SK Goswami