

Court No. - 35

Case :- WRIT - A No. - 20675 of 2023

Petitioner :- Satya Prakash

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

Counsel for Petitioner :- Alok Dwivedi

Counsel for Respondent :- C.S.C.

Hon'ble Vikas Budhwar,J.

Heard Sri Alok Dwivedi, learned counsel for the petitioner and Sri Awadhesh Kumar Mishra, learned Standing Counsel, who appears for respondents 1, 2 and 3.

In view of the order, which is being proposed to be passed today, notices are not being issued to the fourth respondent.

The case of the writ petitioner is that in the institution, D.A.V. Inter College Moti Katra, Agra a seniority dispute had arisen between the writ petitioner and one Suman Devi. The said matter travelled to this Court into two writ petitions, one by the writ petitioner, Writ-A No.26249 of 2018, Satya Prakash vs. State of U.P. and 4 others and Writ-A No.36980 of 2017, Smt. Suman Devi vs. State of U.P. which came to be decided on 3.1.2019 holding the writ petitioner to be senior against which a Special Appeal was preferred which was dismissed as not maintainable, thereafter the writ petitioner was accorded officiation in the year 2019. The claim of the writ petitioner is that since the post of Principal of the institution fell vacant on 31.3.2017 thus the writ petitioner was entitled to officiate which was denied and granted to somebody else.

Prayer in the present petition is to make financial benefits available to the writ petitioner from the date when the vacancy stands arisen.

Sri Awadhesh Kumar Mishra, learned Standing Counsel submits that the issues with the writ petitioner seeks to raise needs determination by the second respondent, District Inspector of Schools, Agra principally on the count that the writ petitioner being senior was not granted the benefits though she was litigating her rights before the Court.

Considering the submissions of the rival parties as well as stand taken by them, the writ petition is being disposed of without seeking any response from the respondents granting liberty to the writ petitioner to prefer a comprehensive representation along with the self-attested copy of the writ petition before the second respondent, District Inspector of Schools, Agra who shall on the receipt of the same, put to notice to the fourth respondent and thereafter proceed to decide the claim of the petitioner strictly in accordance with law within a period of two months from the date of presentation of the certified copy of the order.

Needless to point out that the writ petition has been decided without seeking any response from the respondents. Thus, passing of this order may not be construed to an expression that this Court has gone into the merits of the case.

With the aforesaid observation, the writ petition is **disposed of**.

Order Date :- 14.12.2023

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