

Court No. - 35

Case :- WRIT - A No. - 20752 of 2023

Petitioner :- Hoshiyar Singh Rajpoot

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

Counsel for Petitioner :- Prabhat Kumar Singh, Akhilendra Singh

Counsel for Respondent :- C.S.C.

Hon'ble Vikas Budhwar, J.

Heard Sri Prabhat Kumar Singh, learned counsel for the writ petitioner and Sri Manoj Vashishtha, 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 writ petitioner claims to have been appointed as an Assistant Teacher in the fourth respondent institution, Shri Janta Inter College Ajitmal Auraiya on 1.7.1995. An approval order was issued by the District, Inspector of Schools, Etawah on 9.3.1995 approving his selection. Since salary was not being paid then again a fresh order was passed on 18.2.2003 pursuant to the order of the writ court approving his appointment. The petitioner claims to continue on the post in question however he seeks regularisation under Section 33G of the U.P. Act No.5 of 1982.

Learned Standing Counsel submits that the issues with the writ petitioner to raise needs determination at the first instance by the Committee constituted therein thus the writ petitioner may represent his cause before the second respondent, Joint Director of Education, Kanpur Region, Kanpur who shall address to the claim of the writ petitioner. He further submits that he does not propose to file any response to the writ petition.

Considering the submissions of the rival parties as well as stand taken by them, the writ petition is being disposed off 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, Joint Director of Education, Kanpur Region, Kanpur 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 three 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 :- 15.12.2023

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