

Court No. - 35

Case :- WRIT - A No. - 20741 of 2023

Petitioner :- Bhimsen

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

Counsel for Petitioner :- Juned Alam

Counsel for Respondent :- CSC

Hon'ble Vikas Budhwar,J.

1. Heard Sri Juned Alam, learned counsel for the writ petitioner as well as Sri Shailendra Singh, learned Standing Counsel who appears for respondents No. 1 to 3 which is stated to be the Authorized Controller, S.K.J.P. Girls Inter College, Bisalpur, District Pilibhit.

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

3. As the case of the writ petitioner has asserted in para 5 of the writ petition is that with respect to the dispute of the institution in question, Authorized Controller has been appointed in S.K.J.P. Girls Inter College, Bisalpur, District Pilibhit.

4. It is also the case of the writ petitioner that he is the class IV employee who is working in the institution in question since 24.12.2008, as per the writ petitioner, post completion of 10 years of satisfactory services, he is entitled to be accorded the benefit of first ACP (Assured Career Progression), however, when the writ petitioner staked his claim then the District Inspector of Schools, Pilibhit, second respondent conducted hearing. The said proceedings stood initiated at the instance of the writ petitioner while submitting a letter dated 12.08.2021 to which on 19.08.2021 the District Inspector of Schools, required the institution in question to provide inputs within a period of three days and thereafter the inputs were provided on 20.09.2021 and the District Inspector of Schools, Pilibhit after perusing the same, has negated the claim of the writ petitioner for being accorded first ACP.

5. Questioning the order dated 14.01.2022 of the District Inspector

of Schools, second respondent, the present writ petition has been filed.

6. Learned counsel for the writ petitioner submits that the order itself is non-speaking, unreasoned and cryptic as no reasons has been accorded as to under what circumstances and on which basis the writ petitioner is not entitled to the said benefits. He submits that, might be, it is the stand of the Committee of Management that the work of the writ petitioner was not satisfactory but there ought to have been a consideration of the same as to whether proper procedure has been adhered to while coming to the said conclusion by the Committee of Management. He submits that the said exercise is lacking and, thus, the order in question cannot be sustained.

7. Sri Shailendra Singh, learned Standing Counsel submits that the order in question does not appear to be happily worded and it has skipped the fundamental and core issues. He submits that let the second respondent, District Inspector of Schools, Pilibhit take a fresh decision strictly in accordance with law.

8. 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, District Inspector of Schools, Pilibhit by 31.12.2023 by filing a comprehensive representation along with self attested copy of the writ petition and on the receipt of the same the second respondent, District Inspector of Schools, Pilibhit shall put to notice the Committee of Management/Authorized Controller of the institution in question and after exchange of the versions an order is to be passed by 31.01.2024 strictly in accordance with law dealing with each and every aspects of the matter. The order dated 14.01.2022 passed by the District Inspector of Schools, Pilibhit, second respondent which has been impugned in the present writ petition shall not come in the way of passing of the fresh order.

9. With the aforesaid observations, the writ petition stands disposed of.

Order Date :- 15.12.2023

Rajesh