

Court No. - 7

Case :- WRIT - A No. - 5558 of 2018

Petitioner :- Mohd. Tauseef

Respondent :- State Of U.P.Thru Secy.Basic Edu.Civil
Sectt.Lko. And Others

Counsel for Petitioner :- Ramesh Kumar Srivastava,Gufran
Siddiqui

Counsel for Respondent :- C.S.C.,A.Z. Siddiqui,Ajay
Kumar,Prashant Kumar Singh

Hon'ble Abdul Moin,J.

1. Heard learned counsel for the petitioner, learned State counsel for respondent nos.1 to 3, Shri Prashant Kumar Singh, learned counsel appearing for respondent no.4 as well as Shri Anoop Shukla holding brief of Shri A.Z. Siddiqui, learned counsel for respondent no.5.

2. The instant writ petition has been filed praying for a mandamus commanding the respondents to appoint the petitioner on the post of clerk under dying in harness rules. Further prayer is for issuing a direction to the respondent no.5 i.e. Committee of Management to forward the relevant papers to the respondent no.4 i.e. BSA, Hardoi for appointment of the petitioner on the post of Clerk.

3. After arguing at some length, learned counsel for the petitioner states that subsequent to the filing of the petition, the Committee of Management had itself forwarded a proposal for appointment of the petitioner on a Class- IV post to the respondent no.4 vide proposal dated 12.03.2018, a copy of which has been filed as annexure SA-1 to the application for interim relief dated 03.02.2021, to the BSA, Hardoi who in turn has failed to pass a final order till date.

5. It is prayed that as the matter has been pending for consideration before the respondent no.4 i.e. BSA, Hardoi, he may be directed to pass a final order on the proposal sent by respondent no.5 within a specified time.

6. Considering that the matter for compassionate appointment of the petitioner for which a proposal has already been sent by the respondent no.5, vide letter dated 12.03.2018 to the BSA, Hardoi and the same is still pending at the end of BSA, Hardoi, the instant petition is **disposed of** with a direction to the respondent no.4 to consider the proposal sent by the respondent no.5 pertaining to the compassionate appointment of the petitioner in accordance with law, the relevant rules and regulations and the government orders governing the subject provided there is no legal impediment. Let an order in this regard be passed within a period of six weeks from the date of a receipt of certified copy of this order.

Order Date :- 30.11.2023

S. Shivhare