

Court No. - 7

Case :- WRIT - A No. - 8284 of 2023

Petitioner :- Rahul

Respondent :- State Of U.P. Thru. Prin. Secy. Secondary Education U.P. Lko. And 3 Others

Counsel for Petitioner :- Mohd. Tariq, Bhanu Pratap Singh

Counsel for Respondent :- C.S.C., Mohd. Murtaza Hasan

Hon'ble Abdul Moin, J.

1. Short counter affidavit filed today on behalf of respondent no.3 by Sri Mohd. Murtaza Hasan, learned counsel, is taken on record.
2. Learned counsel for the petitioner contends that he does not intend to file any objection to the aforesaid short counter affidavit and the matter may be heard and decided finally.
3. With the consent of learned counsels for the parties, the matter is being decided finally.
4. Instant petition has been filed alleging that the petitioner having been appointed on compassionate ground in the respondent no.4 Institution in the year 2017 his services have been terminated by means of an oral order dated 01.04.2023.
5. Responding to that Sri Mohd. Murtaza Hasan, learned counsel for respondent no.3, states that the petitioner was never appointed on compassionate ground rather his application had been processed and had been sent to District Inspector of Schools for appropriate orders. The petitioner was also required to remove certain objections that were raised in the letter dated 05.12.2018, a copy of which is Annexure CA-1, which have still not been removed till date and consequently his case for compassionate appointment has still not been processed. Sri Hasan also states that in case the objections are removed by the petitioner then his claim shall be processed and be sent to the District Inspector of Schools for appropriate orders for appointment of the petitioner.
6. Responding to that learned counsel for the petitioner states that all the objections as have been indicated in the letter dated 05.12.2018, a copy of which is Annexure CA-1 to the short counter affidavit filed today, would be removed within two weeks from today.

7. The aforesaid statement is recorded.

8. It is provided that in case the petitioner removes the objections and replies to the queries as have been raised in the letter dated 05.12.2018 sent by the Institution within two weeks from today then the respondent Institution shall process the claim of the petitioner for compassionate appointment and remit the same to the District Inspector of Schools i.e. respondent no.2 for appropriate orders within a further period of four weeks from the date the said objections are removed. Thereafter, the respondent no.2 shall proceed to consider the claim of the petitioner for compassionate appointment in accordance with law and relevant rules which consideration shall be done within a period of four weeks from the date the papers are sent by the respondent Institution to the office of respondent no.2.

9. Subject to above, the writ petition is disposed of.

Order Date :- 18.12.2023

A. Katiyar