

Court No. - 7

Case :- WRIT - A No. - 8618 of 2023

Petitioner :- Alok Kumar Sharma And Others

Respondent :- State Of U.P. Thru. Addl. Chief Secy. Deptt. Of Basic Education And 4 Others

Counsel for Petitioner :- Karunakar Srivastava

Counsel for Respondent :- C.S.C., Ran Vijay Singh, Rishabh Tripathi

Hon'ble Abdul Moin, J.

1. Heard learned counsel for the petitioners, learned Standing Counsel for respondent no.1, Sri Ran Vijay Singh, learned counsel for respondents no.2 and 3 and Sri Rishabh Tripathi, learned counsel for respondents no.4 and 5.
2. With the consent of learned counsels for the parties, the writ petition is being decided finally.
3. Instant petition has been filed challenging undated order as uploaded on the official website of respondent no.4, a copy of which is Annexure-1 to the writ petition. A further prayer is for quashing of the final seniority list uploaded on the website, copy of which is Annexure-2 to the writ petition. It has also been prayed that the due seniority be assigned to the petitioners at appropriate place in the said seniority list.
4. The contention of learned counsel for the petitioners is that against the tentative seniority list that had been issued by the respondents the petitioners had filed their objections but their objections have been rejected by a one line of order 'reject' as uploaded on the official website.
5. The contention is that once detailed objections have been submitted against the tentative seniority list consequently the respondents were required to consider the objections as have been raised by the petitioner and there cannot be any occasion for the respondents to have rejected the said objections by a single word.
6. Responding to that Sri Rishabh Tripathi, learned counsel for respondents no.4 and 5, states that upon checking of the records it transpired that in fact the objections as raised by the petitioners against the tentative seniority list have been rejected by a single word. He prays that the order impugned be set-

aside. He further prays that the petitioners may submit comprehensive objections against the seniority list and the same would be considered in accordance with law by respondent no.4.

7. To the aforesaid proposition, learned counsel for the petitioners has no objection.

8. Accordingly, keeping in view the aforesaid discussion, the order uploaded on the official website whereby the objections of the petitioners against tentative seniority list have been rejected, copy of which is Annexure-1 to the writ petition, is quashed. It is open for the petitioners to submit their objections against the tentative seniority list to the competent authority within a week from today. In case the objections are filed along with certified copy of this order then the respondent no.4 shall proceed to consider the same in accordance with law and relevant government orders within a period of four weeks from the date of receipt of the said objections.

9. At this stage, learned counsel for the petitioners states that the respondents are also proceeding to make further promotions to the post of Headmaster and Assistant Teacher of Upper Primary Sections.

10. It would be open for the petitioners to indicate this fact while submitting their objections against the said seniority list and the said fact would also be considered by the competent authority while deciding their objections.

11. The writ petition is accordingly disposed of.

Order Date :- 23.11.2023

A. Katiyar