

Court No. - 7

Case :- WRIT - A No. - 9380 of 2023

Petitioner :- Vinay Kumar Vishwakarma

Respondent :- State Of U.P. Thru. Addl. Chief Secy. Basic Education
Deptt. Lko. And 2 Others

Counsel for Petitioner :- Durgesh Mishra

Counsel for Respondent :- C.S.C., Ran Vijay Singh, Shailendra Singh
Rajawat

Hon'ble Abdul Moin, J.

Heard learned counsel for the petitioner, learned Standing Counsel for the respondent no. 1, Shri Ran Vijay Singh, learned counsel for the respondents no. 2 & 4 and Shri Shailendra Singh Rajawat, learned counsel for the respondent no. 3.

With the consent of learned counsel appearing for the contesting parties, the writ petition is being finally decided.

The contention of learned counsel for the petitioner is that while working as Headmaster in a primary school at Pratapgarh he had applied for inter-district transfer. The same found favour with the authorities who vide the order dated 02.06.2023, a copy of which is annexure 4 to the petition, transferred the petitioner to Sultanpur. Subsequent thereto he has not been relieved and hence the writ petition.

Responding to that Shri Ran Vijay Singh, learned counsel for the respondents no. 2 and 4 states that although the petitioner was working on the post of Headmaster yet he had indicated in the form that he is working on the post of Assistant Teacher consequently the order dated 02.06.2023 was passed by which considering him as an Assistant Teacher he was transferred to Sultanpur. Subsequently it transpired that as he is the Headmaster as such he is not eligible for transfer to Sultanpur.

Responding to that learned counsel for the petitioner contends that when the petitioner himself discovered the fault in filing

the application by indicating himself erroneously as an Assistant Teacher he filed an application for correctly indicating his post as Headmaster which has also been forwarded by the Block Education Officer, Pratapgarh vide the application dated 27.10.2023, a copy of which is annexure 6 to the petition, and the respondents have failed to pass any order upon the same till date.

Responding to that Shri Ran Vijay Singh, learned counsel appearing for the respondents no. 2 & 4 states that a final decision would be taken by the respondent no. 4 considering the correction that has been sought by the petitioner in his application per which he has indicated his post as Headmaster and a decision would be taken within a period of four weeks from today in accordance with law and relevant rules.

The aforesaid statement is recorded.

The writ petition is **disposed of**.

Order Date :- 18.12.2023

J.K. Dinkar