
(2008) 12 AHC CK 0355
In the Allahabad High Court

Ajeet Kumar Verma S/O Shri Sheo Kumar Verma	APPELLANT
Vs	
State of U.P.Through Secretary Basic Education and Others	RESPONDENT

Date of Decision : 16-12-2008

Acts Referred:

Citation : (2008) 12 AHC CK 0355

Hon'ble Judges : Bala Krishna Narayana, J

Final Decision : Disposed Of

Judgement

Heard learned counsel for the petitioner, learned Standing Counsel for the opposite party no.1 and Sri Vishal Verma, learned counsel appearing for the opposite party no.3.

Notice need not be issued to the opposite parties no. 2, 4 and 5 in view of the order, which is proposed to be passed by the Court.

The grievance of the petitioner is that although in the select list prepared by the opposite party no.4 for making appointment of Shiksha Mitra in Primary School, Balilha Kakara Mauza Deoria Kham, post Husain Nagar, district Gonda, the name of the petitioner appears at serial no.4 the opposite party no.4 has sent a proposal to the opposite party no. 3 for appointing the opposite party no.5 as Shiksha Mitra although his name appears as serial no.7 in the select list.

The submission of learned counsel for the petitioner is that after Mohd. Khaiyam and Veena Mishra whose names appear at serial no. 2 and 3 in the select list could not be appointed as Shiksha Mitra on account of their not being backward class candidate, the post of Shiksha Mitra in question being reserved to be filled up by a candidate of backward class, the opposite party no.4 was under legal obligation to propose the name of the petitioner for appointment as Shiksha Mitra as the petitioner's name appears at serial no.4 in the select list and the petitioner belongs to backward class.

Learned counsel appearing for the opposite parties has submitted that the petitioner has got an effective alternative remedy of challenging the proposal of

the opposite party no.4 by filing a representation before the District Magistrate, the opposite party no.2.

In view of the aforesaid, no interference is required by this Court. However, the writ petition is disposed of finally with a direction to the petitioner to file a comprehensive representation alongwith certified copy of this order before the opposite party no.2 challenging the proposal of the opposite party no.4 for appointing the opposite party no.5 as Shiksha Mitra within a period of one week from today and, in case, any such representation is filed by the petitioner before the opposite party no.2, the same shall be considered and decided by the opposite party no. 4 strictly in accordance with law by a speaking and reasoned order after affording opportunity of hearing to all concerned as expeditiously as possible preferably within a further period of one month.