
(2010) 12 AHC CK 0052
In the Allahabad High Court
Case No : Writ A No. 69742 of 2010

Arjun Singh

APPELLANT

Vs

State of U.P. and Others

RESPONDENT

Date of Decision : 01-12-2010

Acts Referred:

Citation : (2010) 12 AHC CK 0052

Hon'ble Judges : Dilip Gupta, J

Bench : Single Bench

Judgement

Dilip Gupta, J.—The Petitioner, who is working on a Class IV post in office of the District Inspector of Schools, Chitrakoot had earlier filed Writ Petition No. 24818 of 2010 for a direction upon the Respondents to promote the Petitioner on a Class III post. This petition was disposed of by the judgment and order dated 4th May, 2010 with the following observations:

1. Heard learned Counsel for the Petitioner and learned Standing Counsel for the State-Respondents.
2. There is no averment made in the present writ petition which could demonstrate that any vacancy within the quota prescribed for promotion to Class III in Government Colleges in Region/District Jhansi is available. In absence of any such averment, this Court cannot issue any mandamus commanding the Respondents to consider the claim of the Petitioner for promotion. The Joint Director of Education, Jhansi Region, Jhansi under the impugned order dated 24th July, 2009 has only noticed the procedure to be followed in respect of promotion from Class IV to Class III.
3. I am of the considered opinion that the issue as to whether there exists any vacancy within the quota prescribed for promotion or not, need be examined by the Director, Secondary Education, U.P. at Lucknow at the first instance and appropriate orders for filling up the said vacancy, if any available for the purpose be issued to the competent authority within reasonable time from the date a

certified copy of this order is filed before him.

4. The present writ petition is disposed of subject to the observations made above.

2. The Director of Education (Madhyamik) Uttar Pradesh, by his order dated 18th August, 2010 has determined the vacancies and has directed for taking steps to fill up the vacancies.

3. It is the submission of learned Counsel for the Petitioner that despite the directions issued by the Court on 4th May, 2010 in Writ Petition No. 24818 of 2010 and the directions issued by the Director of Education (Madhyamik) Uttar Pradesh on 18th August, 2010, steps have not been taken for filling up the vacancies to be filled up by promotion.

4. Learned Standing Counsel appearing for the Respondents states that all endeavours shall be made to ensure compliance of the order dated 4th May, 2010 passed by this Court in Writ Petition No. 24818 of 2010 and the directions issued by the Director of Education (Madhyamik) Uttar Pradesh for taking steps for filling up the vacancies to be filled up by promotion since the vacancies have now been determined.

5. The petition is, accordingly, disposed of with a direction to the Competent Authority to make all endeavours to ensure compliance of the order dated 4th May, 2010 passed by this Court in Writ Petition No. 24818 of 2010 and the directions issued by the Director of Education (Madhyamik) Uttar Pradesh so that the vacancies are filled up by promotion.

6. It is made clear that this Court has not adjudicated upon the merits of the case, which shall be considered by the Competent Authority in accordance with law.