
(2010) 01 AHC CK 0315
In the Allahabad High Court
Case No : Writ A. No. 1322 of 2010

Kripal Singh

APPELLANT

Vs

State of U.P. and others

RESPONDENT

Date of Decision : 13-01-2010

Acts Referred:

Citation : (2010) 01 AHC CK 0315

Hon'ble Judges : Shishir Kumar, J

Judgement

Shishir Kumar, J.

Heard Sri K.P. Shukla, learned counsel for the petitioner and the learned Standing Counsel.

The grievance raised by the petitioner is that if in a recognized institution there is one post of clerk, that can only be filled up by way of promotion from ClassIV employees and there cannot be a direct appointment and further reservation policy will also not be applicable.

Learned counsel for the petitioner has placed reliance upon the judgments of this Court rendered in the case of Chaitanya Prakash Shastri Vs. State of U.P. and others (Civil Misc. Writ Petition No.50439 of 2004) and in the case of Jai Bhagwan Singh Sheoraj Singh Vs. Distrit Inspector of Schools Committee of Management Maharana Khumbha reported in 2006 (3) UPLBEC 2391 and submits that the Committee of Management is bent upon to appoint a person outside the employees working in the institution. The petitioner has already raised a grievance before the Committee of Management as well as to the District Inspector of Schools but no orders have been passed. As the controversy at the present moment can only be considered and decided by the competent authority ie. respondent no.2, therefore, in my opinion, it will be appropriate that the matter be redeligated to respondent no.2 in view of the representations submitted by the petitioner .

The present writ petition is being disposed of finally directing the District

Inspector of Schools to consider and decide the representation of the petitioner regarding promotion to the post of clerk taking into consideration the aforesaid two judgments as well as the other relevant points and pass a detailed, reasoned order strictly in accordance with law within two months from the date of production of certified copy of this order before him.

The writ petition is disposed of accordingly.

No order is passed as to costs.