
(2017) 02 AHC CK 0140
In the Allahabad High Court
Case No : Writ A No. 7361 of 2017

Maha Prasad

APPELLANT

Vs

State of Uttar Pradesh

RESPONDENT

Date of Decision : 15-02-2017

Acts Referred:

Citation : (2017) 2 AllWC 1544

Hon'ble Judges : Manoj Kumar Gupta, J.

Bench : Single Bench

Advocate : Ram Kishore Pandey, Advocate, for the Petitioner; C.S.C, for the Respondents

Final Decision : Disposed Off

Judgement

Manoj Kumar Gupta, J—The petitioner has been recommended for appointment on the post of Lecturer (Civics) by the U.P. Secondary Education Services Selection Board, Allahabad by order dated 6 October 2016. His placement is in Nehru Shanti Vidya Niketan Inter College, Kalsiya, Saharanpur. The District Inspector of Schools has duly verified about the authenticity of the placement order from the Selection Board. The grievance of the petitioner is that he is not being permitted to join the Institution. This is apparently for the reason that one Ashwani Kumar, who is already working as L.T. Grade teacher in the Institution, is claiming promotion on the post of Lecturer (Civics), as according to him it is to be filled up by promotion. He has also filed Writ Petition No. 59127 of 2016 before this Court, which is stated to be pending. The petitioner has, therefore, filed the instant writ petition seeking a mandamus commanding the respondents to permit him to join on the post of Lecturer (Civics) in Nehru Shanti Vidya Niketan Inter College, Kalsiya, Saharanpur.

2. Counsel for the petitioner submitted that in the writ petition filed by Ashwani Kumar, there is no interim order in his favour. The only order passed by this Court on 16 December 2016 in the said writ petition is to the effect that any order passed in the meantime, shall abide by the final outcome of the writ

petition. It is urged that there is no hindrance in permitting the petitioner to join the post. He further submitted that the petitioner has already represented before the District Inspector of Schools but no action has been taken. He submitted that the said representation be directed to be decided within a stipulated period.

3. Learned standing counsel for respondent Nos. 1 & 2 does not dispute that in such a scenario, the second respondent is competent to examine the claim of the petitioner.

4. Accordingly and in view of the submissions made by learned counsel for the parties, this writ petition is disposed of by permitting the petitioner to approach the second respondent with a certified copy of this order and a fresh representation and in which event the same shall be decided by him by means of a speaking order, in accordance with law, expeditiously and preferably within a period of next two months, after due notice and opportunity of hearing to the third and the fourth respondents and also to Ashwani Kumar.