
(2012) 03 AHC CK 0219
In the Allahabad High Court
Case No : Service Single No. 1255 of 2012

Rajendra Panwar

APPELLANT

Vs

State of U.P. and Others

RESPONDENT

Date of Decision : 02-03-2012

Acts Referred:

Citation : (2012) 03 AHC CK 0219

Hon'ble Judges : Devendra Kumar Arora, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

Hon"ble Devendra Kumar Arora, J.—Notice on behalf of opposite party no. 1 has been accepted by learned Chief Standing Counsel. Sri D.R. Misra, Advocate has accepted notices on behalf of opposite parties no. 2 to 4.

2. In view of the order proposed, the issuance of notice to the opposite party no. 5 is dispensed with.

By means of present writ petition, the petitioner has prayed for a writ in the nature of mandamus commanding the opposite parties no. 1 & 2 to take a decision on the petitioner's claim for his appointment and pass appropriate orders within a stipulated period fixed by this Court.

3. Submission of Learned Counsel for petitioner is that the petitioner applied for the post of Head Master in Kisan Poorva Madhyamik Vidyalaya, Jarauti, Hapur, district Ghaziabad and after completing the process of selection the entire papers with respect to selection of the petitioner were sent to the District Basic Education Officer for the financial approval who accorded approval vide order dated 26.8.2003. After approval, petitioner was issued appointment letter on 29.8.2003 and he joined on his post forthwith and since then he is continuously working on his post. However, it appears that on some complaint petitioner's appointment was cancelled vide order dated 21.2.2007, passed by the opposite party no. 2.

4. Further submission is that the petitioner for redressal of his grievance approached this Court by way of filing Writ Petition No. 19101 of 2007 which is still pending. In the meantime, similar controversy came up before this Court in which appointment of one Sri Rishi Kant Sharma was challenged who was appointed on 24.10.2002 i.e. prior to 2008 Notification. The said writ petition was allowed vide judgment & order dated 22.12.2010. Against the said order special appeal no. 80 of 2011 was preferred which was allowed by the Division Bench vide order dated 26.5.2011 and against the said order SLP Was preferred before the Apex Court which was dismissed vide judgment & order dated 23.8.2011.

5. The petitioner in order to ventilate his grievance, made several representations and last he made a representation on 24.10.2011 (Annexure No. 10) to the District Basic Education Officer, Ghaziabad but nothing has been done so far.

6. The precise prayer of Learned Counsel for petitioner is that in the interest of justice, necessary directions be issued to District Basic Education Officer, Ghaziabaad (Opposite Party No. 3) to consider and decide petitioner's representation in pursuance to the decision dated 26.5.2011, passed in Special Appeal No. 80 of 2011 as well as judgment & order dated 23.8.2011, passed by Hon''ble Apex Court in SLP No. 132 of 2011 and decide the same by passing speaking and reasoned order within a stipulated period fixed by this Court.

7. Learned Standing Counsel has no objection to this innocuous prayer of Learned Counsel for petitioners. Taking into consideration the innocuous prayer of Learned Counsel for petitioner, without entering into merits of the case, this writ petition is disposed of finally with the direction to the District Basic Education Officer, Ghaziabaad (Opposite Party No. 3) to consider and decide petitioner's representation in pursuance to the decision dated 26.5.2011, passed in Special Appeal No. 80 of 2011 as well as the judgment & order dated 23.8.2011, passed by Hon''ble Apex Court in SLP No. 132 of 2011, within a period of two months from the date of receipt of certified copy of this order and the order so passed, be also communicated to the petitioners.

8. Petitioner is given liberty to make afresh representation to the District Basic Education Officer, Ghaziabaad (Opposite Party No. 3) within a week from today alongwith certified copy of this order as well as all other relevant documents.