
(2008) 12 AHC CK 0040
In the Allahabad High Court

Rajendra Prasad

APPELLANT

Vs

District Inspector of Schools Deptt.of Education Lucknow

RESPONDENT

Date of Decision : 12-12-2008

Acts Referred:

Citation : (2008) 12 AHC CK 0040

Hon'ble Judges : Bala Krishna Narayana, J

Final Decision : Disposed Of

Judgement

Heard learned counsel for the petitioner, learned Standing Counsel for the opposite parties no. 1 and 5, Sri H.S. Jain, learned counsel for the opposite party no.3 and Sri Ranjeet Saxena, learned counsel appearing for the opposite party no.4.

The instant writ petition has been filed by the petitioner for the following reliefs:

1.to issue a writ in the nature of certiorari quashing the selection/ recommendation in respect of Sri Kishori Lal by U.P. Higher Education Service Selection Board dated 11.09.2001 after summoning its original from the records of the opposite party no.3 and mentioned in the letter of the District Inspector of Schools dated September, 2001 contained in Annexure4 to the writ petition.

2. to issue a writ in the nature of mandamus commanding the opposite parties no. 1 and 3 not to compel the Committee of Management to make appointment of opposite party no.4 on the post of Lecturer in Mathematics in pursuance of the selection/ recommendation made by the U.P. Secondary Education Service Selection Board and a writ of mandamus may also be issued to the opposite parties no. 1 and 3 to fill the post of Lecturer of Mathematics in Girdhari Singh Inder Kunwar Inter College, Lucknow by considering the case of promotion of the petitioner against the quota reserved for promotees under Rule 10 of U.P. Secondary Education Service Selection Board Rule, 1999 and promote him accordingly and pay him salary each and every month on the post of Lecturer in Mathematics alongwith all benefits of service for which the petitioner would have

been entitled had he been given promotion as per resolution of the Committee of Management dated 11th August, 2001; and 9495 in the order of appointment in case it is issued in favour of opposite party no.4 during pendency of the writ petition.

3.Any other writ, order or direction appropriate in the circumstances of the case and deem just and proper may also be passed alongwith the costs of the writ petition.

During course of argument, learned counsel for the petitioner has submitted that the petitioner is confining the writ petition only to the prayer for issuing a writ, order or direction commanding the opposite party no.2 to consider and decide the claim of the petitioner for being promoted to the post of Lecturer of Mathematics under ChapterII, Regulation 5(2)(a) of Regulation framed under U.P. Intermediate Education Act, 1921. It has also been submitted by learned counsel for the petitioner that at least three posts of Lecturer are lying vacant including the post of Lecturer of Mathematics in the Institution in which the petitioner is working, which may be filled up by promotion from amongst eligible LT Grade teachers working in the Institution.

Sri Ranjeet Saxena, learned counsel appearing for the opposite party no.4 has no objection to the petitioner's prayer so far the interest of the opposite party no.4 is not prejudiced. Learned Standing Counsel appearing for the opposite parties no. 1 and 5 has also no objection to the prayer made by the petitioner.

In view of the aforesaid, the writ petition is finally disposed of with a direction to the petitioner to file a fresh comprehensive representation before the opposite party no.2 alongwith certified copy of this order ventilating his grievances within a week from today and, in case, any such representation is filed by the petitioner as directed hereinabove, the same shall be considered and decided by the opposite party no.2 strictly in accordance with law by a reasoned and speaking order within a further period of one month without prejudice the interest of opposite party no.4.