

Court No. - 3

Case :- WRIT - A No. - 69025 of 2015

Petitioner :- Shardha Sharma

Respondent :- State Of U.P. And 5 Others

Counsel for Petitioner :- Akhank Kumar Jain

Counsel for Respondent :- C.S.C., Arun K. Singh, Yogesh Kumar Saxena

Hon'ble Ajay Bhanot, J.

By order dated 06.02.2014 the respondent no. 6 has been promoted to the post of Manager. By order dated 01.06.2015 complaint against the promotion of the petitioner has been rejected.

The petitioner has assailed the orders dated 06.02.2014 and 01.06.2015 in the instant writ petition.

The petitioner is aggrieved by the promotion of the respondent no. 6 as Lecturer in the Kasturba Inter College, Firozabad. The petitioner claims that she is senior to the respondent no. 6 and is entitled to be promoted.

Sri Arun Kumar Singh, learned counsel for the respondent no. 6 refutes the submission made on behalf of the petitioner. He contends that the respondent no. 6 is senior to the petitioner and has been rightly promoted. However, learned counsel for both the parties fairly concede that there is a dispute inter se petitioner and respondent no. 6 in record to seniority and promotion to the post of Lecturer in the aforesaid institution.

No useful purpose would be served by keeping this writ petition pending. The factual contentions made by the parties have to be verified by the competent authority.

With the consent of learned counsel for the parties the matter is remitted to the Regional Level Committee with the following directions;

(i) The petitioner shall make a representation of her case alongwith all supporting documents before the Regional Level Committee, after serving a copy of her representation and relied upon documents upon respondent no. 6.

(ii) The respondent no. 6 shall be given an opportunity to refute the claim of the petitioner by submitting a written statement of her defence alongwith all supporting documents, after serving the same upon the petitioner.

(iii) The Regional Level Committee shall ensure and return a finding that the pleadings and the documents being relied upon

by the contesting parties are exchanged and each party has been provided with the statement of case and supporting documents of its adversary.

(iv) The Regional Level Committee shall provide an opportunity of hearing to both the parties.

(v) The Regional Level Committee shall finally decide the controversy regarding seniority and promotion interse the petitioner and respondent no. 6 by a reasoned and speaking order.

(vi) The Regional Level Committee shall complete the entire exercise within a period of four months from the date of receipt of a certified copy of this order.

It is made clear that the impugned orders shall abide by the decision passed by the Regional Level Committee.

The writ petition is disposed of.

Order Date :- 9.1.2019

Pravin