

Court No. - 36

Case :- WRIT - A No. - 7813 of 2023

Petitioner :- Ratan Singh Tyagi

Respondent :- State Of U.P. And 3 Others

Counsel for Petitioner :- Gopal Krishna Pandey

Counsel for Respondent :- C.S.C.,.....

Hon'ble Manjive Shukla,J.

1. Heard learned counsel appearing for the petitioner and learned Standing Counsel appearing for the Respondents No.1 to 4.
2. Facts of the case, in brief, are that petitioner was selected for appointment on the post of Assistant Teacher in Lal Ganga Saran Smarak Junior High School, Hapur. Papers relating to selection of the petitioner were forwarded to the District Basic Education Officer, Ghaziabad on 24.10.1996. Since the District Basic Education Officer, Ghaziabad did not pass any order in respect of the approval of the selection of petitioner, therefore, Committee of Management of the institution issued appointment letter to the petitioner on 25.6.1997. Petitioner, pursuant to his appointment order, submitted his joining in the institution and continued to work but he was not paid salary from the State Exchequer.
3. Petitioner, in the aforesaid circumstances, filed Writ-A No. 28014 of 1997 which was finally disposed of by this court vide order dated 1.9.1997, thereby a direction was issued to the District Basic Education Officer, Ghaziabad to decide petitioner's representation and in compliance of the said order District Basic Education Officer, Ghaziabad passed certain orders, whereby direction was issued for payment of salary to the petitioner. Petitioner continued to receive salary from the State Exchequer and the District Basic Education Officer, Ghaziabad on 15.1.2004 passed a detailed order and granted permission for payment of salary to the petitioner w.e.f. date of issuance of order dated 24.9.1997.
4. Learned counsel appearing for the petitioner has submitted that petitioner, pursuant to the aforesaid order dated 15.1.2004, was working in the institution and was receiving salary but all of a sudden, Assistant Director of Education (Basic), Meerut Division, Meerut wrote a letter on 22.9.2004, whereby he directed the District Basic Education Officer, Ghaziabad, that till such time inquiry in the matter is completed, payment of salary to the

petitioner be stopped. In compliance of the aforesaid letter dated 22.9.2004, salary of the petitioner has been stopped.

5. Learned counsel appearing for the petitioner has vehemently argued that even if some inquiry was required to be conducted in the matter, by now inquiry must have been finalized.

6. Learned counsel appearing for the petitioner has invited attention of this court towards the letter written by the District Basic Education Officer, Hapur on 2.5.2019, whereby he has directed the Manager/ Principal of the institution to provide documents in respect of the appointment of the petitioner so that the matter may be decided finally.

7. On the other hand, learned Standing Counsel has argued that there are certain irregularities in the appointment of the petitioner but he could not dispute the fact that till date final decision in the matter has not been taken by the District Basic Education Officer, Hapur.

8. Be that as it may, once the the District Basic Education Officer, Hapur is ceased with the matter then he should consider and decide the matter and should pass final order, at the earliest.

9. In view of the aforesaid reasons, without entering into merits of this case, this Writ Petition is finally **disposed of** with a direction to the District Basic Education Officer, Hapur to pass final order in respect of the validity of the petitioner's appointment within a period of three months from the date of presentation of certified copy of this order.

10. It is made clear that this court has not adjudicated the matter on merits and it is open for District Basic Education Officer, Hapur to look into each and every aspect of the matter.

Order Date :- 12.10.2023

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