

Court No. - 36

Case :- WRIT - A No. - 13200 of 2023

Petitioner :- Rohit Singh Yadav @ Rohit Yadav

Respondent :- State Of U.P. And 8 Others

Counsel for Petitioner :- Saroj Kumar Yadav

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

Hon'ble Manjive Shukla, J.

1. Heard Sri V.K. Singh, learned Senior Advocate, assisted by Sri Saroj Kumar Yadav, learned counsel appearing for the petitioner, learned Standing Counsel appearing for the Respondents No. 1 to 6 as well as Sri Shri Prakash Mishra, learned counsel appearing for the Respondents No. 8 & 9.

2. Petitioner has filed this writ petition inter alia praying therein for the following reliefs:-

(i) Issue, a writ order or direction in the nature of mandamus, thereby directing the respondents to release the salary of the petitioner month to month, as and when the same fall due, which is withheld from March 2023 to till date and grant all service benefits as admissible to the petitioner.

(ii) Issue, a writ, order or direction in the nature of mandamus, directing the Respondents to decide the representations dated 13.07.2023 (contained as Annexure No. 14 to the writ petition)."

3. Learned Senior Advocate appearing for the petitioner has submitted that since there is some issue in respect of attendance of Respondents No. 8 & 9, therefore, though petitioner has forwarded salary bills but in variation chart has shown them as absent from duty.

4. On the other hand, learned counsel appearing for the Respondents No. 8 & 9 has submitted that petitioner is creating unnecessary hurdle in signing the attendance register. It has further been submitted that the petitioner has kept the attendance register with him and is not permitting the Respondents No. 8 & 9 to sign the same.

5. Learned counsel appearing for the Respondents No. 8 & 9 has further submitted that a separate attendance register has been prepared by the Assistant Basic Education Officer, Block

Suithakla, District Jaunpur in which Respondents No. 8 & 9 are putting their signatures and, therefore, there cannot be any question regarding their absence.

6. It appears that there is some dispute in respect of the attendance of the teachers in the school and since single operation of the salary account is continuing, therefore, the issue can be resolved by the District Basic Education Officer, Jaunpur.

7. Accordingly, let petitioner as well as Respondents No. 8 & 9 appear before the District Basic Education Officer, Jaunpur on 26.10.2023 and District Basic Education Officer, Jaunpur after hearing both the parties, shall pass necessary orders for payment of salary to the petitioner as well as Respondents No. 8 & 9.

8. With the aforesaid directions, this writ petition is finally **disposed of**.

Order Date :- 19.10.2023

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