

Court No. - 36

Case :- WRIT - A No. - 15380 of 2023

Petitioner :- Deepak Mishra

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

Counsel for Petitioner :- Durga Shanker Mishra

Counsel for Respondent :- C.S.C.,Girijesh Kumar Tripathi

Hon'ble Manjive Shukla,J.

1. Heard learned counsel appearing for the petitioner, learned Standing Counsel appearing for the Respondents No.1 and 2 as well as Sri Girijesh Kumar Tripathi, learned counsel appearing for the Respondents No. 3 and 4.
2. Learned counsel appearing for the petitioner has submitted that petitioner was initially appointed on 07.09.2011 on the post of Assistant Teacher in Primary School Simarha, Block Bhawalkheda, District Shahjahanpur on compassionate ground, but later on his appointment was cancelled by the District Basic Education Officer, Shahjahanpur vide order dated 29.9.2012. After cancellation of the aforesaid appointment, petitioner has been appointed on Class IV post on compassionate ground and is presently working.
3. Grievance of the petitioner is only in respect of non-payment of salary for the period from 7.9.2011 to 29.9.2012.
4. Learned counsel appearing for the petitioner has invited attention of this court towards the representation dated 8.11.2021, whereby petitioner has requested the District Basic Education Officer, Shahjahanpur to pay arrears of salary for the period from 7.9.2011 to 29.9.2012. Learned counsel appearing for the petitioner has argued that though petitioner has submitted representation on 8.11.2021 but till date decision has not been taken by the Respondent No.4.
5. On the other hand, Sri Girijesh Kumar Tripathi, learned counsel appearing for the Respondents No. 3 and 4 has very fairly submitted that ends of justice would be served if a direction is issued by this court to Respondent No.4 to consider and decide the petitioner's representation within a fixed time frame.

6. In view of the aforesaid submissions advanced by the learned counsels appearing for the parties, this writ petition is finally disposed of with liberty to petitioner to file a fresh representation before the District Basic Education Officer, Shahjahanpur within fifteen days from today and if such representation is filed, Respondent No.4 is directed to consider and decide the said representation by passing speaking and reasoned order within two months thereafter.

Order Date :- 27.10.2023

Salim