

Court No. - 35

Case :- WRIT - A No. - 16251 of 2023

Petitioner :- Smt. Ratan Prabha

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

Counsel for Petitioner :- Jagannath Singh

Counsel for Respondent :- C.S.C.,Bheem Singh,Sangram Singh

Hon'ble Vikas Budhwar,J.

Heard Sri Jagannath Singh, learned counsel for the petitioner as well as Sri Shailendra Singh, learned Standing Counsel, who appears for respondents 1 to 5 and Sri Bheem Singh, who appears for the sixth respondent.

This Court on 1.11.2023 proceeded to pass the following order:-

"The contention of Shri Jagannath Singh, learned counsel for the writ petitioner is that four writ petitions were preferred being Writ A No 7096 of 2020 by the sixth respondent, Committee of Management Vedic Kanay Inter College, Writ A No. 3608 of 2021 by Smt. Anupama and Writ A No. 9586 of 2021 and Writ A No. 866 of 2020 by the writ petitioner herein which came to be decided on 05.04.2023 whereby the writ petitioner preferred by the sixth respondent and Smt. Anupma was dismissed and a positive direction was issued to the sixth respondent to appoint writ petitioner as officiating principal of the institution till regularly selected principal comes and joins and also forward the papers for attestation of the signatures as officiating principal of the institution and the writ petitioner was made admissible to payment of regular salary of an officiating principal from the date of the attestation of a signatures. It is the submission of the learned counsel for the writ petitioners that on 19.07.2023, she was made to officiate on the post in question under the orders of District Inspector of Schools, Gautumbudh Nagar, fourth respondent. He submits that salary is not being paid to him and the committee of management is taking side of Smt. Anupma.

Shri Bhim Singh, who appears for respondent No. 6 submits that as soon as it came to know about the order dated 05.04.2023 follow up actions was taken and the writ petitioner himself had submitted the order of the Writ Court after enormous delay. He further submits that it is the District Inspector of Schools,

Gautumbudh Nagar, fourth respondent who is prolonging the matter as neither the salary of Smt. Anupma nor the writ petitioner has been paid Smt. Anupama is entitled to payment of salary for the period she had worked.

Shri Awadesh Kumar Mishra, learned Standing Counsel who appears for the State-respondents submits that there happens to be a communication District Inspector of Schools dated 04.09.2023 addressed to the manager of institution in question requiring it to do the follow up actions otherwise adverse proceedings will be drawn.

Prima facie, this Court finds that things are not on right perspective as it is either the committee of management who is at fault or the District Inspector of Schools Gautumbudh Nagar.

Put up this case as fresh on 07.11.2023 at 2.00 pm. In the meantime, Shri Bhim Singh as well as Shri Awadesh Kumar, learned Standing Counsel shall obtain instructions and also apprise the Court about the follow up actions, they may do so, if they chose so they file a short affidavit in that regard.

It is further clarified that the case will not be adjourned on 07.11.2023."

Today a short counter affidavit has been filed on behalf of the sixth respondent sworn by the Manager of the sixth respondent institution.

Instructions have been also forwarded by Sri Shailendra Singh learned Standing Counsel dated 4.11.2023 under the signatures of the District Inspector of Schools, Gautam Budh Nagar.

Principally the writ petitioner had come up with the prayer commanding the fourth respondent to decide the application dated 8.8.2023 and reminder dated 29.8.2023 moved by the writ petitioner with regard to the specific direction for payment of salary.

Today from the instructions under the signature of District Inspector of Schools, Gautam Budh Nagar, it has been shown to the court that annexure-9 happens to be a communication of the sixth respondent institution to the District Inspector of Schools, Gautam Budh Nagar dated 3.11.2023 whereby the writ petitioner has been paid salary of the Lecturer from 1st June, 2023 to 19th July, 2023 and from 28th July, 2023 to October, 2023 as an

Officiating Principal. Annexure-10 happens to be the computerized document being credit transaction showing that the same has been successfully completed amounting to Rs.31,00,000/- an odd regarding payment of all the teachers and the employees.

According to Sri Shailendra Singh learned Standing as well Sri Bheem Singh learned counsel for the respondents the entire payments have been made and according to him in case the writ petitioner has any grievance then obviously the same shall be redressed in that regard.

At this stage Sri Shailendra Singh learned Standing has gracefully submitted that District Inspector of Schools shall keep a track over the payment of salary which is legally permissible and payable.

Considering the submissions of the rival parties this Court is of the opinion that in view of the relief as couched in the writ petition now nothing more is to be adjudicated, thus the writ petition is disposed of directing the forth respondent, District Inspector of Schools, Gautam Budh Nagar and the Manger of the Committee of Management to ensure that the writ petitioner is being made payment of salary on month to month basis and in case there is any arrears then the same should be extended to him. In case the writ petitioner is entitled for payment of fixation as per the Rules then she should be made entitled to the same.

With the aforesaid observation, the writ petition is **disposed off**.

Instruction filed today is taken on record and marked as Appendix-A.

Order Date :- 7.11.2023

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