

Court No. - 36

Case :- WRIT - A No. - 19372 of 2021

Petitioner :- Karan Singh And 10 Others

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

Counsel for Petitioner :- Shailesh Pandey

Counsel for Respondent :- C.S.C., Bhupesh Pratap Singh, Prem Prakash Yadav

Hon'ble Manjive Shukla, J.

1. Heard learned Counsel appearing for the petitioners, learned Standing Counsel appearing for Respondents No.1 and 2 as well as Prem Prakash Yadav, learned counsel appearing for the Respondents No. 3 & 4.

2. Petitioners, in their writ petition, have stated that they were working in Primary Schools/Junior High Schools, run by the U.P. Basic Education Board, Prayagraj and were to retire from service on 30.6.2015 but the State Government changed the academic session and provided that henceforth academic session will come to an end on 31st March of every year. It has been brought to the notice of this court that initially petitioners were not allowed to work after 30.6.2015 in view of the fact that the academic session already came to an end on 31.03.2015 but later on in view of the orders passed by this court, petitioners and identically placed teachers were allowed to continue till 31.03.2016.

3. Grievance of the petitioners is that issue for payment of salary from 1.7.2015 till 31.03.2016 has already been considered by this Court in its judgment and order dated **19.08.2017** rendered in **Writ-C No. 33360 of 2017 (Angad Yadav And 7 Others Vs. State of U.P. and 4 Others)** and this court has held that the respondents were under obligation to allow the teachers to work from 1.7.2015 till 31.03.2016 and if they have failed to discharge their obligation then the teachers are entitled for payment of salary for the aforesaid period but petitioners have not been paid salary for the period from the month of July, 2015 till the month of October, 2015.

4. Learned counsel appearing for the petitioners has argued that the petitioners since the year 2016 are running from pillar to post and has submitted various representations to the District Basic Education Officer, Bijnor for payment of his salary for the period from the month of July, 2015 till the month of

October, 2015 but their case has been rejected vide order dated 11.11.2021.

5. On the other hand Sri Prem Prakash Yadav, learned counsel appearing for the Respondents No. 3 and 4 has very fairly submitted that the ends of justice would be served if a direction is issued to District Basic Education Officer, Bijnor to consider and decide the representation of the petitioners in light of the judgment rendered by this court in the case of **Angad Yadav** (supra) within the fixed time frame.

6. Considering the facts and circumstances of the case, with the consent of learned counsels appearing for the parties, this writ petition is **disposed of** with liberty to the petitioners to file a fresh representation before the District Basic Education Officer, Bijnor within one month from today, who shall consider and decide the same in the light of the decision of this court rendered in the case of **Angad Yadav (Supra)** within a period of two months thereafter. It is also provided that if the representation is decided in favour of the petitioners, the payment of salary shall be made to them within one month thereafter.

Order Date :- 1.12.2023

Imtiyaz