

Court No. - 35

Case :- WRIT - A No. - 17060 of 2023

Petitioner :- Sudhir Kumar Singh And Another

Respondent :- State Of U.P. And 4 Others

Counsel for Petitioner :- Rajesh Kumar Singh

Counsel for Respondent :- C.S.C

Hon'ble Vikas Budhwar,J.

Heard Sri Rajesh Kumar Singh, learned counsel for the petitioners who are two in number and Sri Manoj Vashishtha, learned Standing Counsel, who appears for respondents 1 to 4.

In view of the order, which is being proposed to be passed today, notices are not being issued to the fifth respondent.

The case of the writ petitioners is that the fifth respondent, Shri Cheteswar Nath Sanskrit Pathshala, Chitbadagaon, District Ballia is an institution grant-in-aid list of the State Government with respect to teaching staff from Class VI to XII and it has been accorded recognition since 1.1.1975 by the Chancellor, Sampurnanand Sanskrit University, Varanasi, the writ petitioners claim to be working as teachers in the attached primary section. They claim that the salary should be paid through State funds.

In para 7 is is also asserted that the Finance Controller (Madhyamik) issued a letter on 10.5.2022 whereby it assured to allot money for payment of salary to the institution for financial year 2022-23.

Grievance of the writ petitioners that the respondents be directed to pay salary through State fund and in the alternative to decide the representation dated 5.6.2023 and 8.9.2023.

Sri Manoj Vashishtha, learned Standing Counsel submits that issue as to whether the writ petitioner is entitled to the said benefits needs determination at the first instance by the fourth respondent, District Inspector of Schools, Ballia, the writ petitioners may represent their cause before it and he does not propose to file any response to the writ petition.

Considering the submissions of the rival parties as well as stand

taken by them, the writ petition is being disposed off without seeking any response from the respondents granting liberty to the writ petitioner to prefer a comprehensive representation along with the self-attested copy of the writ petition before the fourth respondent, District Inspector of Schools, Ballia, who shall on the receipt of the same put to notice fifth respondent and thereafter proceed to decide the entitlement of the petitioners strictly in accordance with law within a period of three months from the date of presentation of the certified copy of the order bearing in mind the claim of the writ petitioner for payment of salary from the State exchequer, the Government Orders as well as statutory scheme providing for the same and in vogue as well as the other ancillary and incidental issue. In case the fourth respondent is of the opinion that the matter needs to redress before any other authority then notice be also issued to the fifth respondent in that regard,

Needless to point out that the writ petition has been decided without seeking any response from the respondents. Thus, passing of this order may not be construed to an expression that this Court has gone into the merits of the case.

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

Order Date :- 18.10.2023

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