

Court No. - 44

Case :- WRIT - A No. - 17664 of 2023

Petitioner :- Dr. Shiv Shankar Pal

Respondent :- State of U.P. and Another

Counsel for Petitioner :- Ankur Vishwakarma, Kapoor Chandra Vishwakarma

Counsel for Respondent :- C.S.C.

Hon'ble Donadi Ramesh, J.

1. The writ petition is filed for a direction to respondent Authorities to extend the age of superannuation of the petitioner who is Professor in the Homeopathy Medical College from 60 year to 65 year with all the consequential benefits in view of the extension done for such Medical Teachers in the Allopathic Department.

2. Petitioner was appointed as Lecturer on 16.09.2005, in Practice of Medicine in Rajkiya Dr. Brij Kishore Homeopathy Medical College and Hospital Faizabad. The petitioner was promoted to the post of Reader and he was posted in Rajkiya National Homeopathic Medical College Faizabad in the department of Organon and after selected for the post as Professor, accordingly, he is discharging with due satisfaction to the respondents. Things to thus, the State has issued Government Order on 06.02.2015, whereby, age of retirement of the teaching staff of Medical College of Allopathic Department was extended from 60 years to 65 years but the petitioner is a Professor in Homeopathic. He has made request for extension of the age of superannuation from 60 year to 65 year as was done to the Teaching Staff of Allopathic Medical College. Hence, petitioner made several representations and request to the State Government for extension of age of retirement like teaching staff of Allopathic Department.

3. Learned counsel for the petitioner has submitted that a decision was taken in the case of ***Dr. Surendra Pratap Yadav vs. State of U.P. through Principal Secretary Ayush Lucknow and another*** in Writ-A No. 30915 of 2021, dated 27 January 2023. Hence, he has also requested to consider the representation made by the petitioner as per observations made by this Court in the aforesaid judgment. Further, he has brought to the notice of the Court that in identical situation this Court has disposed of the writ petition

bearing **Writ-A No. 12848 of 2023 (Dr. Ram Sahayi vs. State of U.P. and another)** and requested to pass the similar order.

4. Learned standing counsel appearing on behalf of the State-respondents does not dispute the aforesaid observations made while disposing of Writ-A No. 12848 of 2023 (Dr. Ram Sahayi vs. State of U.P. and another).

5. Considering the submissions made by both the learned counsel and perusal of the record, on consent of learned counsel for the parties, the instant petition is **disposed of** at admission stage directing the Competent Authority to consider and decide the claim of the petitioner by a reasoned and speaking order within three months from the date of production of certified copy of the instant order after giving full opportunity of hearing to the petitioner and the same shall be communicated to the petitioner.

Order Date :- 17.10.2023

Mukesh Kr.

(Donadi Ramesh,J.)