

Court No. - 35

Case :- WRIT - A No. - 17048 of 2023

Petitioner :- Abdul Muttalib And 12 Others

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

Counsel for Petitioner :- Mohammad Ali Ausaf, Sr. Advocate

Counsel for Respondent :- C.S.C., Pranav Mishra

Hon'ble Vikas Budhwar, J.

1. Heard Sri V.K. Singh, learned Senior Counsel assisted by Sri Bipin Kumar, learned counsel for the writ petitioners and Sri R.P. Dubey, learned Additional Chief Standing Counsel who appears for respondents No. 1, 2 and 4 and Ms. Shivangi Nanda (AOR A/S 1836/2022) holding brief of Sri Pranav Mishra, learned counsel who appears for respondents No. 3.

2. In view of the order which is being proposed to be passed, notice is not being issued to the fifth respondent.

3. The case of the writ petitioners is that the fifth respondent, Madarsa Ziyaul Islam, Maqbara Gwal Toli, Kanpur Nagar is recognized under the provisions of Board of Madarsa Education, U.P. upto Alia (Intermediate Education) is in grant-in-aid earlier it was governed under the 1987 Niyamawali, however, post implementation of the 2016 Regulation stands governed by the same. It is the case of the writ petitioners that they are working as Assistant Teacher (Alia, Fauqania, Tehtania) and Assistant Clerk in the institution in question, however, with respect to their appointments an inquiry committee was constituted which according to the writ petitioners came to their favour, however, the writ petitioners would not be made entitled for payment of salary from January, 2021 to February, 2022 along with bonus reference whereof has been given in para 10 of the writ petition. It is further the case of the writ petitioners that the matter in question was at the end of the fourth respondent, District Minority Welfare Officer, Kanpur Nagar and correspondence were made to second respondent, Director, Minority Welfare Uttar Pradesh Indira Bhawan, Lucknow on 22.05.2023 a copy whereof at page 51 it was responded on 22.06.2023 and further communications are there recognizing the right of the writ petitioners to be accorded the said benefit, however, on account of certain technical issues the payments have not been made.

4. Prayer in the present petition is for a direction to the respondents

to consider the claim of the writ petitioners for payment of salary for the period from January, 2021 to February, 2022 along with bonus as per the recommendation dated 22.05.2023 of the Director.

5. Sri R.P. Dubey, learned Standing Counsel as well as the counsel appearing for the third respondent submits that the writ petitioners may represent their cause before the second respondent, Director, Minority Welfare U.P., Lucknow who shall look into the grievance of the writ petitioners and thereafter proceed to decide the entitlement of the writ petitioners after putting to notice the fifth respondent, they further submit that they do not propose to file any further response to the writ petitioners.

6. Considering the submission of the rival parties as well as the stand taken by them, the writ petition is being disposed of without seeking any response from the respondents granting liberty to the writ petitioners to represent his cause before the second respondent, Director, Minority Welfare, U.P., Lucknow by filing the comprehensive representation along with the self attested copy of the writ petition and on the receipt of the same the second respondent shall put to notice the fifth respondent and thereafter decide the entitlement of the writ petitioners strictly in accordance with law within a period of two months from the date of production of certified copy of the order.

7. Needless to point out that this Court has not adjudicated on the merits of the matter.

8. With the aforesaid observations, the writ petition stands disposed of.

Order Date :- 18.10.2023

Rajesh