

Court No. - 35

Case :- WRIT - A No. - 17137 of 2023

Petitioner :- Ram Sagar Mishra

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

Counsel for Petitioner :- Alok Kumar Rai

Counsel for Respondent :- CSC

Hon'ble Vikas Budhwar,J.

Heard Sri Dharmendra Kumar Shukla (AOR No.A/D 704/2014), holding brief of Sri Alok Kumar Rai learned counsel for the writ petitioner and Sri H.K. Shukla, learned Standing Counsel, who appears for respondents no. 1 to 5.

In view of the order, which is being proposed to be passed today, notices are not being issued to the 6th respondent.

The writ petitioner claims to be working in an institution being fifth respondent, Acharya Badrinath Shukla Sanskrit Madhyamik Vidyalaya, Dumariya Bujurg, District Siddharth Nagar since July, 2010 to February, 2011 and October 2011 to February, 2015 and according to him an amount of Rs.12,98,380/- is to be paid.

Learned counsel for the writ petitioner relies upon a communication of the District Inspector of Schools, Siddharth Nagar addressed to the fourth respondent, Finance Controller (Madhyamik), Siksha Nideshalay, U.P. Prayagraj dated 23.5.2018 at page 25 as well as the communication dated 20.9.2022 annexure-8 at page 32 under the signature of the fifth respondent, District Inspector of Schools, Siddharth Nagar addressed to the Director, Madhyamik Education, U.P. Lucknow so as to contend that his matter is still pending and no decision has been taken in that regard.

Sri Shukla, learned Standing Counsel submits that the issue as to whether the writ petitioner is entitled to be said benefits in the wake of the said communication needs determination at the first instance by the fifth respondent, District Inspector of Schools, Siddharth Nagar, the writ petitioner may represent his cause before the fifth respondent, he does not propose to file any response to the writ petition.

To such a submission, learned counsel for the writ petitioner has no objection and he gracefully accepts the same.

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 fifth respondent, who shall on the receipt of the same proceed to put to notice the sixth respondent thereafter decide the entitlement of the decide the claim of the petitioner strictly in accordance with law within a period of three months from the date of presentation of the certified copy of the order without being obsessed or influence by any of the observation made herein above. In case the fifth respondent is of the opinion that the matter needs to be decided by any other authority, paper be transmitted to him and with due communication to the writ petitioner and the sixth respondent.

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

Order Date :- 30.10.2023

piyush