

Court No. - 35

Case :- WRIT - A No. - 17164 of 2023

Petitioner :- Deepak Kumar

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

Counsel for Petitioner :- J.P. Singh

Counsel for Respondent :- C.S.C.

Hon'ble Vikas Budhwar,J.

Heard Sri V.K. Singh (AOR No.A/V0432/12) holding brief of Sri J.P. Singh, learned counsel for the petitioner and Sri Ratan Deep Mishra, learned Standing Counsel, who appears for respondents 1, 2 and 4.

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

The writ petitioner claims to have been appointed as a Sweeper/Class-IV employee in Sanatana Dharam Inter College, Daulatpur, District Mainpuri on 31.7.2018 in the fourth respondent institution as per the array of the parties in so far as the fourth respondent institution is manned by Authorised Controller, Sanatana Dharam Inter College, Daulatpur, District Mainpuri. The writ petitioner claims that he is not being paid salary commensurate to the status as he has paid meager salary.

Prayer in the present petition is for a direction to consider the claim of the writ petitioner for payment of salary commensurate to the status.

Sri Ratan Deep Mishra, learned Standing Counsel submits that the issue as to whether the writ petitioner is legally entitled to the said salary and the salary is dependent upon various factors including nature of the appointment, the mode of recruitment, applicability of the rules and adherence of the same. He submits that let the writ petitioner represent his cause before the second respondent, District Inspector of Schools Mainpuri. He further submits that he does not propose to file any response to the writ petition.

To such a submission, learned counsel for the 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 second respondent, District Inspector of Schools Mainpuri who shall on the receipt of the same, put to notice the third respondent and the Authorised Controller or the Committee of Management (legal if any) thereafter decide the entitlement of the writ petitioner strictly in accordance with law within a period of three months from the date of presentation of the certified copy of the order.

Needless to point out that the writ petition has been decided without seeking any response and without there being any documents so as to suggest about the nature of the appointment of the writ petitioner. 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 :- 6.11.2023

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