

Court No. - 35

Case :- WRIT - A No. - 17271 of 2023

Petitioner :- Prince Kumar Mishra

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

Counsel for Petitioner :- Satya Prakash Shukla,Rajendra Prasad

Counsel for Respondent :- CSC

Hon'ble Vikas Budhwar,J.

1. On the oral request of learned counsel for the writ petitioner, he is permitted to implead District Inspector of Schools, Mirzapur as sixth respondent during the course of the day.

2. Heard Sri Satya Prakash Shukla, learned counsel for the writ petitioner as well as Sri Dhirendra Singh, learned Standing Counsel who appears for respondents No. 1, 2, 3 and 6.

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

4. The case of the writ petitioner is that pursuant to the selection conducted by the respondents No. 4 and 5 institution he was appointed as class IV employee in the fifth respondent-institution C/M, Smt. Bhagirathi Trust Adarsh Sanskrit Mahavidyala, Chunar, District Mirzapur and he is working since November, 2019 but he has not been paid salary. Learned Standing Counsel submits that the issue as to whether the writ petitioner is entitled to the payment of salary post approval by the District Inspector of Schools or any other competent authority needs determination at the first instance by the sixth respondent, the writ petitioner may represent his cause before the sixth respondent, District Inspector of Schools, Mirzapur, he does not propose to file any response to the writ petitioner.

5. Prayer in the present petition is for payment of salary to the writ petitioner.

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 petitioner to prefer a comprehensive representation before the sixth respondent, District Inspector of Schools, Mirzapur who shall

on the receipt of the same proceed to decide the claim of the writ petitioner within a period of two months from the date of production of certified copy of the order. The sixth respondent shall before taking a conscious decision put to notice the fourth and the fifth respondents and seek inputs from them and decide the entitlement of the writ petitioner.

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

Order Date :- 20.11.2023

Rajesh