

Court No. - 36

Case :- WRIT - A No. - 17633 of 2023

Petitioner :- Lala Ram And 4 Others

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

Counsel for Petitioner :- Sushil Kumar Shukla, Brijesh Singh

Counsel for Respondent :- C.S.C., Jagdamba Prasad Singh

Hon'ble Manjive Shukla, J.

1. Heard learned counsel appearing for the petitioners, learned Standing Counsel appearing for the Respondents No. 1, 3 & 4 and Mr. Jagdamba Prasad Singh, learned counsel appearing for the Respondents No. 2 & 5.

2. Facts of the case, in brief, are that the petitioners are working on the post of Shiksha Mitra in different primary schools run by the U.P. Basic Education Board at district Bareilly. Petitioners were put on duty as B.L.O. but since petitioners did not report for the said duty, the District Basic Education Officer, Bareilly passed an order on 01.09.2023, whereby payment of honorarium to petitioners was stopped with immediate effect. Petitioners through this writ petition have challenged the order dated 01.09.2023 passed by the District Basic Education Officer, Bareilly.

3. Learned counsel appearing for the petitioners has submitted that later on petitioners have been put off from B.L.O. duty and therefore, now there is no occasion for non payment of honorarium to the petitioners in terms of order dated 01.09.2023 which is impugned in this writ petition.

4. Learned counsel appearing for the petitioners has further submitted that petitioners may be permitted to submit a representation before the District Basic Education Officer, Bareilly apprising him with the fact that petitioners have already been put off from their B.L.O. duty therefore, their honorarium may be released and a direction be issued by this court to District Basic Education Officer, Bareilly to consider and decide the said representation.

5. On the other hand Mr. Jagdamba Prasad Singh, learned counsel appearing for the Respondents No. 2 & 5 has categorically submitted that he has no instructions as to whether petitioners have

been put off from their B.L.O. duty and further he has submitted that petitioners while not reporting on their B.L.O. duty have committed misconduct.

6. Be that as it may, once petitioners have been put off from their B.L.O. duty by the competent authority, it is obligatory on the District Basic Education Officer, Bareilly to consider the case of the petitioners for payment of honorarium.

7. In view of the aforesaid reasons, this writ petition is finally ***disposed of*** with liberty to petitioners to submit a comprehensive representation before the District Basic Education Officer, Bareilly within a period of three weeks from today and if such representation is filed, Respondent No. 5 is directed to consider and decide the said representation by passing speaking and reasoned order within a period of one month thereafter.

Order Date :- 23.11.2023

Gaurav