

Court No. - 35

Case :- WRIT - A No. - 17487 of 2023

Petitioner :- Ashutosh Kumar Nishad

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

Counsel for Petitioner :- Shivendera Rajwar, Gautam Baghel

Counsel for Respondent :- C.S.C

Hon'ble Vikas Budhwar, J.

Heard Sri Shivendera Rajwar, learned counsel for the writ petitioners and Sri Santosh Kumar, learned Standing Counsel, who appears for respondents 1 to 4.

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

The case of the writ petitioner is that petitioner's father namely Late Rajesh Kumar Nishad who was selected in pursuance of the recruitment exercises undertaken by U.P. Secondary Education Services Selection Board on the post of Lecturer English on 18.12.2007 in the fifth respondent institution and expired on 16.12.2018.

According to the writ petitioner, he is entitled to the payment of gratuity, selection grade benefits and group insurance scheme benefits which his father was entitled to. Prayer in the present petition is for a direction to make the said payment.

Learned Standing Counsel on the other hand submits the issue as to whether, the writ petitioner is entitled to the said benefits needs determination at the first instance by the third respondent, Deputy Director of Education (Intermediate),

Jhansi Division, Jhansi and the writ petitioner may represent his cause before the third respondent.

Learned counsel for the writ petitioner has no objection to the same, he gracefully accepts the same.

Considering the submission of the rival parties as well as the stand taken by them, the writ petition is being disposed off granting liberty to the writ petitioner to file a comprehensive representation before the third respondent, who shall on the receipt of the same put to notice the fifth respondent and thereafter proceed to decide the entitlement of the writ petitioner, bearing in mind the competing claims, if any, within a period of two months from the date of the production of the certified copy of the order.

With the aforesaid observations, the writ petition stands **disposed off**.

Needless to point out that this court has not adjudicated the matter on the merits.

Order Date :- 27.10.2023

A. Prajapati