

Court No. - 35

Case :- WRIT - A No. - 17531 of 2023 (Leading)

Petitioner :- Markanday Pandey And Another

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

Counsel for Petitioner :- Pramod Kumar Dubey

Counsel for Respondent :- C.S.C.

And

Case :- WRIT - A No. - 17532 of 2023 (Connected)

Petitioner :- Jawahar Lal Gupta And 2 Others

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

Counsel for Petitioner :- Pramod Kumar Dubey

Counsel for Respondent :- C.S.C.

Hon'ble Vikas Budhwar,J.

Since common question of laws and facts are involved in both the writ petitions thus they have been disposed off by a common order.

Heard Sri Akhilesh Kumar Singh (AOR No.A/A0395/12) holding brief of Sri Pramod Kumar Dubey learned counsel for the writ petitioners in both the writ petitions and Sri Shailendra Singh, 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 petitioners is that the fifth respondent institution, Mahaveer Intermediate College, Fazil Nagar, District Kushi Nagar is an institution which is recognised under the provisions of U.P. Intermediate Education Act, 1921 and the provisions of U.P. Act No. 24 of 1971 are applicable.

As per the writ petitioners in the aforesaid institution which also includes the attached primary section comprising from 1 to 5. The writ petitioners claim that by virtue of the Government Order the primary section came into grant in aid on 1.10.1989.

It is the case of the writ petitioners that they are working since

long from various dates 12.7.1998, 25.3.1997 in the leading writ petition and 26.3.1987, 16.9.1987 and 1.5.1988 in the connected writ petition. They claim to have been retired on 31.3.2022 and 31.3.2023.

The grievance of the writ petitioners are that despite the fact that there happens to be a judgement in the case of **Sri Mangali Prasad Verma & Others vs. State of U.P. & Others**, decided Special Appeal Defective No.678 of 2013 decided on 13.9.2017 in their favour for inclusion of the length of the services undergone by them for the purposes of retiral benefits but the claim of the writ petitioners have not been considered.

Prayer in the present petitions are for a mandamus directing the respondents to compute the entire length of service from the date of initial appointment for the purposes of computation of pensionary benefits.

Sri Shailendra Singh, learned Standing Counsel who appears for the State officials submits that the issues with the writ petitioners are seeking to raise needs determination at the first instance by the Deputy Director of Education, VIIth Region, District Gorakhpur who shall address to the claim of the writ petitioner. He further submits that he does not propose to file any response to the writ petition.

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

Considering the submissions of the rival parties as well as stand taken by them, both the writ petitions stands disposed off without seeking any response from the respondents granting liberty to the writ petitioners to prefer a comprehensive representation along with the self-attested copy of the writ petition before the second respondent, Deputy Director of Education, VIIth Region, District Gorakhpur who shall on the receipt of the same, put to notice the fifth respondent thereafter proceed to decide the claim of the petitioners 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 from the respondents. 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 :- 3.11.2023

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