

Court No. - 35

Case :- WRIT - A No. - 17757 of 2023

Petitioner :- Smt. Archana Kumari

Respondent :- State Of U.P. And 5 Others

Counsel for Petitioner :- Anurag Shukla

Counsel for Respondent :- C.S.C.

Hon'ble Vikas Budhwar,J.

Heard Sri Anurag Shukla, learned counsel for the petitioner and Sri Manoj Vashistha learned Standing Counsel, who appears for respondents 1 to 5.

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

According to the writ petitioner her sister namely Smt. Singhmitra whose appointment was approved as an Assistant Teacher in L.T. Grade in M.G.M. Inter College, Jalesar, District Etah on 24.9.2002 and who was transferred as an Assistant Teacher in L.T. Grade in the sixth respondent institution expired on 15.9.2015, the writ petitioner claims to be the legal heir and she further claims to have represented before the third respondent, Deputy Director of Education (Secondary), Kanpur Region, Kanpur who release the death cum retirement gratuity along with the interest.

Learned Standing Counsel on the other hand submits that the issue as to whether the writ petitioner is entitled for payment of death cum retirement gratuity is to the address at the first instance by the third respondent and according to him the writ petitioner may represent his cause along with the certified copy before the third respondent. He further submits that he does not propose to file any response to the writ petition.

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 third respondent, Deputy Director of Education (Secondary), Kanpur Region, Kanpur who shall on the receipt of the same, put to notice to the sixth respondent and thereafter proceed to decide the

entitlement of the writ petitioner as well as the competing claims within a period of two months from the date of presentation of the certified copy of the order. In case the third respondent is of the opinion that the matter needs to be addressed by some other authority matter be transmitted to it and the writ petitioner and sixth respondent be informed about the same.

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 :- 20.11.2023

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