

Court No. - 36

Case :- WRIT - A No. - 17941 of 2023

Petitioner :- Shalini Gupta

Respondent :- State Of U.P. And 2 Others

Counsel for Petitioner :- M.P.S. Chauhan, Sunil Kumar Singh

Counsel for Respondent :- C.S.C., Nagendra Kumar Pandey

Hon'ble Manjive Shukla, J.

1. Petitioner has filed this writ petition challenging therein the order dated 25.9.2023 passed by the District Basic Education Officer, Sambhal, whereby petitioner's salary has been stopped.

2. This court, after hearing the parties' counsels, has passed a detailed order on 26.10.2023, which is extracted as under:-

"1. Heard learned counsel appearing for the petitioner and learned Standing Counsel appearing for the Respondent No. 1 as well as Mr. Nagendra Kumar Pandey, learned counsel appearing for the Respondents No. 2 & 3.

2. Learned counsel appearing for the petitioner has submitted that petitioner was deputed as B.L.O. for Booth No. 260 (111) Assembly Constituency, Gunnaur but since her son was ill as such she applied for grant of Child Care Leave through application dated 12.09.2023. Child Care Leave was duly granted by the District Basic Education Officer, Sambhal for the period from 08.09.2023 to 07.10.2023.

3. Learned counsel appearing for the petitioner has argued that though petitioner was on Child Care Leave but the District Basic Education Officer, Sambhal vide order dated 25.09.2023 has stopped payment of salary. Vide order dated 25.09.2023 petitioner was granted three days time to submit her reply which has duly been submitted on 27.09.2023 but petitioner's salary has not been released till date.

4. Prima facie, this court finds that petitioner in her application dated 12.09.2023 disclosed the fact that she has been put on B.L.O. duty but since her son was not feeling well, therefore, she requested for grant of Child Care Leave. The leave has been duly sanctioned vide order dated 25.09.2023. Once the leave was sanctioned there was no occasion for the District Basic Education Officer, Sambhal to pass the order stopping payment of salary to the petitioner.

5. List this matter on 31.10.2023 as fresh to enable learned counsel appearing for the District Basic Education Officer, Sambhal to take instructions in the matter."

3. Pursuant to this court's order dated 26.10.2023, District Basic Education Officer, Sambhal has passed order on 30.10.2023, whereby petitioner's salary has been released.

4. Learned counsel appearing for the petitioner has submitted that now since the District Basic Education Officer, Sambhal has passed order on 30.10.2023 for release of petitioner's salary, this writ petition is liable to be disposed of in terms of the said order.

5. In view of the aforesaid reasons, this writ petition is finally disposed of in terms of order dated 30.10.2023 passed by the District Basic Education Officer, Sambhal.

Order Date :- 31.10.2023

Salim