

Court No. - 35

Case :- WRIT - A No. - 17806 of 2023

Petitioner :- Shah Mohammad And Another

Respondent :- State Of U.P. And 3 Others

Counsel for Petitioner :- Hritudhwaj Pratap Sahi, Sr. Advocate

Counsel for Respondent :- C.S.C., Mohammad Ali Ausaf

Hon'ble Vikas Budhwar, J.

Heard Sri H.P. Sahi, learned counsel for the writ petitioners as well as Shri Pradeep Kumar Shahi, learned Additional Chief Standing Counsel, who appears for Respondents 1, 2 and 3. Notice on behalf of the fourth respondent has been accepted by Shri Mohammad Ali Ausaf.

The case of the writ petitioners who are two in number are that there happens to be a Madarsa, Madarsa Darul Uloom Ahle Sunnat Yar Alviya Faizul Rasool, Nadihwa, Sekhuani, District Maharajganj which is recognised under the relevant statutes. The writ petitioner No. 1 claims to have been appointed as an assistant teacher (Alia) and the petitioner No. 2 as a Peon in the Madrasa in question. However, pursuant to the lodging of the first information report under Section 156(3) Cr.P.C., an order was passed on 23.08.2014 and thereafter a first information report was registered under Sections 409, 419, 420, 467, 468, 471 and 120-B IPC and the writ petitioners were placed under suspension and ultimately convicted on 29.01.2020 under Sections 409, 419, 420, 467, 468, 471 and 120-B IPC. The writ petitioners preferred a Criminal Appeal No. 06 of 2020 wherein the conviction order was set aside on 25.01.2023, followed by revocation of the suspension order, the writ petitioners claim that the period during which they were under suspension should be treated in the service and the writ petitioners

be made entitled to all benefits in that regard.

Shri Pradeep Kumar Shahi, learned Additional Chief Standing Counsel as well as the learned counsel appearing on behalf of Committee of management submits that the issues with the writ petitioner seeks to raise need determination at the first instance by the second respondent, Director, Minority Welfare, U.P. Indira Bhawan, Lucknow and the writ petitioners may represent his cause before the same.

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 second respondent, who shall thereafter put to notice the fourth respondent, proceed to decide the claim of the petitioner strictly in accordance with law within a period of two 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 :- 20.11.2023

A. Prajapati