

Court No. - 35

Case :- WRIT - A No. - 17938 of 2023

Petitioner :- Smt. Sneh Tripathi

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

Counsel for Petitioner :- Sharad Chandra, Hritudhwaj Pratap Sahi, Sharad Chandra

Counsel for Respondent :- C.S.C.

Hon'ble Vikas Budhwar, J.

1. Heard Sri Gautam Baghel, learned counsel for the petitioners and Sri Pradeep Kumar Shahi, Additional Chief Standing Counsel for respondents 1 to 3.

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

3. The case of the writ petitioner is that the fourth respondent, Janta Inter College, Farrukhabad Road is governed under the provisions of the U.P. Intermediate Education Act, 1921 and the provisions of the U.P. Act No.24 of 1971 stands applicable. It is further the case of the writ petitioner that the aforesaid institution was initially made admissible to recognition upto primary section and were not receiving grant-in-aid from the State Government however the attached the primary section of the institution was not brought grant into aid on 1.10.1989.

4. The writ petitioner further asserts in para 7 & 8 that he was appointed as Assistant Teacher in attached primary section on 01.07.1978, promoted to L.T. Grade on 04.02.2010 and so far as superannuated on 31.03.2021 and last salary drawn by her was Rs. 68,000/-.

5. In para 9 of the writ petition, it is further asserted that financial approval was also accorded to the petitioner no. 1 on 29.03.1990. As per the writ petitioners a government order was issued on 20.1.2004 a copy whereof has been annexed as Annexure- 4 at page 30 whereby the provisions of 1964 have been made applicable.

6. The grievance of the writ petitioner is that despite the fact that he is entitled to the grant of pension from the date of the initial

appointment which stands approved but he has been accorded pension from the date of the government order dated 20.1.2004.

7. Learned counsel for the writ petitioner relies upon the judgement in Writ-A No.13353 of 2022, Dharmendra vs. State of U.P. decided on 5.9.2022.

8. Sri Pradeep Kumar Shahi, Additional Chief Standing Counsel on the other hand submits that the issue as to whether the writ petitioner's case is to be accorded consideration in the light of the claim set up by the writ petitioner is to be decided at the first instance by the Deputy Director of Education, Kanpur Region, Kanpur second respondent who shall address the same. He further submits he does propose to file any response to the writ petition.

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

10. Considering the submissions of the rival parties as well as stand taken by them, the writ petition is being disposed of 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, Deputy Director of Education, Kanpur Region, Kanpur taking all the legal and factual grounds and the second respondent on the receipt of the same shall put to notice to fourth respondent and after examining the record proceed to decide the entitlement of the writ petitioners strictly in accordance with law within a period of three months from the date of presentation of the certified copy of the order.

11. With the aforesaid observation, the writ petition is disposed off.

Order Date :- 26.10.2023

Rajesh