

Court No. - 35

Case :- WRIT - A No. - 18270 of 2023

Petitioner :- Abdul Azeem

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

Counsel for Petitioner :- Chandra Prakash, Rama Shankar Prasad

Counsel for Respondent :- C.S.C.

Hon'ble Vikas Budhwar, J.

Heard Sri Chandra Prakash, learned counsel for the writ petitioner as well as Sri P.K. Shahi learned Additional Chief Standing Counsel, who appears for respondents 1 and 3.

In view of the order, which is being proposed to be passed today, notices are not being issued to the second, fourth and fifth respondents.

The case of the writ petitioner is that the fourth respondent is a Madarsa. It is also the case of the writ petitioner that he was working as a Principal in Madarsa and retired in June, 2011. A communication is stated to have been issued on 12.12.2011 for payment of outstanding dues to the writ petitioner by the Registrar/Inspector, Arabic Madarsa Jawahar Bhawan, Lucknow. In pursuance of the communication dated 12.12.2011, the third respondent, District Minority Welfare Officer, Mau directed the Management of the Madarsa to submit bill.

In para 7 of the writ petition, it is further asserted that Writ-A No.52337 of 2012 was preferred by fourth respondent against the benefits which have been accorded to the writ petitioner which came to be dismissed on 17.2.2020 thereafter the writ petitioner represented the matter before the second respondent but till date nothing has been done in that regard.

Prayer in the present petition is for a direction to the respondents, to release the salary for the month of January 1992 to June 2011.

Sri P.K. Shahi learned Additional Chief Standing Counsel, who appears for respondents 1 and 3 submits on the basis of the instructions of the District Minority Welfare Officer, Mau dated 28.10.2023 that there has been a delay on the part of the writ petitioner in claiming his right, no doubt the matter in between was

litigated by the Madarsa in question and post dismissal of the writ petition in the year 2020, the writ petitioner has approached this Court, he submits that a decision is to be taken by the second respondent with regard to the fact as to whether the approval has been accorded for the dispensation of the services of the writ petitioner coupled with other legal impediments and the ancillary and incidental issues.

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 on the receipt of the same, put to notice the fourth and the fifth respondents and thereafter proceed to decide the claim of the writ petitioner strictly in accordance with law bearing in mind the issue with regard to the approval of the dispensation of the services of the writ petitioner, the working of the writ petitioner, the date of the retirement, entitlement as well as ancillary and incidental issues 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**.

Instructions filed today is taken on record and marked as Appendix-A.

Order Date :- 28.11.2023

piyush