Court No. - 35

Case :- WRIT - A No. - 18883 of 2023

Petitioner :- Dr Avinash Kumar Singh And 9 Others
Respondent :- State Of U.P. And 3 Others
Counsel for Petitioner :- Mritunjay Mohan Sahai
Counsel for Respondent :- C.S.C.,Shashi Prakash Rai

Hon'ble Vikas Budhwar,J.

1. Heard Shri M.M. Sahai, learned counsel for the writ petitioners, Shri H.K. Shukla, learned Standing Counsel for respondent no. 1 and Shri Shashi Prakash Rai, who appears for learned counsel for the respondent No. 2 to 4.

2. The case of the writ petitioners is that pursuant to the government order dated 04.02.2000, 13.03.2020 and the decision of the Executive Committee of the Mahatma Gandhi Kashi Vidyapeeth, Varanasi dated 03.05.2020, the writ petitioners who are working on fix remuneration was entitled to minimum pay-scale. In para 7 of the writ petition, necessary averments have been made that the writ petitioners were appointed in the self financing subject in the year 2008. However, her terms is to be extended from time to time and lastly it was extended on 23.11.2020. The case of the writ petitioners is that the similar set of incumbents who are selling on the same boat had approached this Court while filing Writ A No. 14185 of 2020 (Dr. Manohar Lal and 36 others Vs. State of U.P. and three others)along with the two connected writ petitions in which this Court on 23.09.2021 proceeded to pass orders to the extent that the petitioners therein shall be treated to be in service till satisfactory discharge of the duties or till continuance of the relevant self-financing course which ever is earlier and shall be paid salary payable to the teachers and the arrears of the salary accrued in favour of the petitioners therein since 30.06.2020 shall also be paid within two months. According to the learned counsel for the writ petitioners and intra court appeal was filed by the University which also got dismissed on 29.08.2022.

3. Prayer in the present petition is for a direction to the respondents to make salary to the petitioners w.e.f. 01.07.2020 to 22.11.2020.

4. Shri Rai, who appears for the University, on the other hand,

submits that a conscious decision is to be taken the Vice Chancellor, Mahatma Gandhi Kashi Vidyapeeth, Varanasi, fourth respondent who would consider the grievance of the writ petitioners and accordingly, passed an appropriate orders in the light of the judgment as referred to by the writ petitioners.

5. He further submits that he does not propose to file any response to the writ petition. Learned Standing Counsel adopts the submission of Shri Rai and according to him, he does not propose to add anything more.

6. Considering the submission of the rival parties as well as the stand taken by them, the writ petition is being **disposed of**, without seeking any response from the respondents, granting liberty to the writ petitioners to represent her cause before the fourth respondent, along with self attested copy of the writ petition and on the receipt of the same the fourth respondent who shall proceed to decide the same strictly in accordance with law, within a period of two months from the date of production of certified copy of this order.

7. Needless to point out that the passing of the order may not be construed to be an expression that the Court has adjudicated on the merits of the matter.

Order Date :- 21.11.2023
A. Prajapati

Digitally signed by :-
ASHUTOSH KUMAR PRAJAPATI
High Court of Judicature at Allahabad