

Court No. - 35

Case :- WRIT - A No. - 18655 of 2023

Petitioner :- Yogendra Nath Singh

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

Counsel for Petitioner :- Rajnish Kumar Srivastava, Siddharth Srivastava

Counsel for Respondent :- C.S.C.

Hon'ble Vikas Budhwar, J.

Heard Sri Rajnish Kumar Srivastava, learned counsel for the petitioner and Sri R.D. Mishra learned Standing Counsel, who appears for respondents 1, 2 and 3.

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

The writ petitioner claims to have been selected and appointed on the post of Assistant Teacher on 31.7.1995 approval whereof was accorded on 11.6.1997 by the District Inspector of Schools, Jaunpur and his services stood regularised w.e.f. 22.3.2016 by virtue of the order dated 3.4.2017 under Sections 33G of the U.P. Act No.5 of 1982 and the writ petitioner claims to have retired on 31.3.2023 however his pension has been denied on the pretext that the writ petitioner does not possess 10 years of minimum qualified services by virtue of the order dated 16.10.2023 passed by the second respondent, Deputy Director of Education Varanasi Region, Varanasi. He seeks to rely upon the decision in the case of Baleshwar Singh vs. State of U.P., Writ-A No.15259 of 2023 wherein the decision in the case of Nandlal vs. State of U.P., Writ-A No.12070 of 2022 and Sunita Sharma vs. State of U.P., Writ-A No.25431 of 2018 decided on 21.12.2018 affirmed by a Special Appellate Bench by virtue of the judgement dated 20.4.2023.

Sri R.D. Mishra, learned Standing Counsel on the hand does not dispute the proposition of law so relied upon by the learned counsel for the writ petitioner, he submits that the order in question be set aside and the matter be remitted back to pass a fresh order in the light of the aforesaid decisions and he does not propose to file any response to the writ petition.

Considering the submissions of the rival parties as well as stand

taken by them, the order dated 16.10.2023 passed by the second respondent, Deputy Director of Education Varanasi Region, Varanasi is set aside and the matter be remitted back to the second respondent to pass a fresh order after putting to notice to the fourth respondent strictly in accordance with law and the judgements relied upon by the writ petitioner within a period of two months from the date of presentation of the certified copy of the order, in case the second respondent is of the opinion that the matter needs to be redressed by any other authority papers be transmitted to it with due communication to the writ petitioner and the fourth respondent.

With the aforesaid observation, the writ petition is **partly allowed**.

Order Date :- 28.11.2023

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