

Court No. - 35

Case :- WRIT - A No. - 18608 of 2023

Petitioner :- Devendra Singh

Respondent :- State Of U.P. And 5 Others

Counsel for Petitioner :- Jayant Prakash Singh

Counsel for Respondent :- C.S.C.

Hon'ble Vikas Budhwar,J.

Heard Sri Jayant Prakash Singh, learned counsel for the petitioner and Sri Vinod Kumar Singh, the learned Standing Counsel, who appears for Respondents 1 to 5.

In view of the order, which is being proposed to be passed today, notices are not being issued to the 6th respondent.

The case of the writ petitioner is that he was appointed as Lecturer (English) in Chandawali Inter College Chandawali Sambhal in the year 1991 and thereafter his services were regularized and he was allowed to officiate as a Principal of the Institution in question, approval whereof had been accorded in the year 2016, and while working as Officiating Principal, he superannuated on 31.03.2023. According to the writ petitioner, he is entitled to the pension. Learned counsel for the writ petitioner seeks to rely upon the judgment in a Full Bench case of this Court in ***Surendra Prasad Agnihotri Vs. State of U.P. (2010 0 Supreme (All) 196)***.

Prayer in the present petition is for a direction for according pension to the writ petitioner of the Officiating Principal.

Learned Standing Counsel on the other hand submits that the issue which the petitioner seeks to raise needs determination at the first instance by the third respondent, Deputy Director of Education (Madhyamik) Lucknow, the petitioner may represent his cause before the third respondent. He further submits that he does not propose to file any response to the writ petition.

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

Considering the submission of the rival parties as well as the 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 approach the third respondent, Deputy Director

of Education (Madhyamik) Lucknow along with a comprehensive representation accompanied with self-attested copy of the writ petition, who shall, on the receipt of the same, put to notice the sixth respondent and thereafter proceed to consider the grievance of the writ petitioner within a period of two months from the date of production of certified copy of the order.

With the aforesaid observations the writ petition stands **disposed off**.

Order Date :- 2.12.2023

N.S.Rathour