

Court No. - 36

Case :- WRIT - A No. - 19235 of 2023

Petitioner :- Mahrab Khan

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

Counsel for Petitioner :- Pradeep Srivastava

Counsel for Respondent :- C.S.C,Rama Nand Pandey

Hon'ble Manjive Shukla,J.

1. Heard learned Counsel appearing for the petitioner, learned Standing Counsel appearing for Respondents No.1 and 2 as well as Sri Rama Nand Pandey, learned counsel appearing for the Respondents No. 3, 4 and 5.

2. Petitioner, in his writ petition, has stated that he was working on the post of Assistant Teacher in Senior Basic School Badagaonm Mauranipur, District Jhansi and was to retire from service on 30.6.2015 but the State Government changed the academic session and provided that henceforth academic session will come to an end on 31st March of every year. It has been brought to the notice of this court that initially petitioner was not allowed to work after 30.6.2015 in view of the fact that the academic session already came to an end on 31.03.2015 but later on in view of the orders passed by this court, petitioner and identically placed teachers were allowed to continue till 31.03.2016.

3. Grievance of the petitioner is that issue of payment of salary for the period from 1.7.2015 till 31.03.2016 has already been considered by this Court in its judgment and order dated 19.08.2017 rendered in **Writ-A No. 33360 of 2017 (Angad Yadav And 7 Others Vs. State of U.P. and 4 Others)** and this court has held that the respondents were under obligation to allow the teachers to work from 1.7.2015 till 31.03.2016 and if they have failed to discharge their obligation then the teachers are entitled for payment of salary for the aforesaid period but petitioner has not been paid salary for the period from 13.06.2015 to 6.11.2015.

4. Learned counsel appearing for the petitioner has argued that the petitioner since the year 2016 is running from pillar to post and has submitted various representations to District Basic Education Officer, Jhansi for payment of his salary for the period from 13.6.2015 to 6.11.2015 but till date no heed has been paid by the

Respondents No. 4 and 5.

5. On the other hand Sri Rama Nand Pandey, learned counsel appearing for the Respondents No. 3, 4 and 5 has very fairly submitted that the ends of justice would be served if a direction is issued to District Basic Education Officer, Jhansi to consider and decide representation of the petitioner in the light of the judgment rendered by this court in the case of **Angad Yadav (supra)** within the fixed time frame.

6. Considering the facts and circumstances of the case, with the consent of learned counsels appearing for the parties, this writ petition is **disposed of** with liberty to petitioner to file a fresh representation before the District Basic Education Officer, Jhansi within one month from today, and if said representation is filed, Respondent No. 4 is directed to consider and decide the same in light of the decision of this court rendered in the case of **Angad Yadav (Supra)** within a period of two months thereafter. It is also provided that if the representation is decided in favour of the petitioner, the payment of salary shall be made to him within one month thereafter.

Order Date :- 21.11.2023

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