

Court No. - 35

Case :- WRIT - A No. - 18881 of 2023

Petitioner :- Rajpal And Another

Respondent :- State Of U.P. And 2 Others

Counsel for Petitioner :- Prabhakar Awasthi, Saurabh Tripathi

Counsel for Respondent :- CSC

Hon'ble Vikas Budhwar, J.

On the oral request of the learned counsel for the writ petitioners, he is permitted to implead the Committee of Management, Inter College, Etaura, Jalaun and Principal Inter College, Etaura, Jalaun as party respondent Nos. 4 and 5.

Heard Sri Prabhakar Awasthi, learned counsel for the petitioner and Sri Manoj Vashishth, 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 and fifth respondent.

The case of the writ petitioners is that the fourth respondent, Inter College, Etaura, Jalaun is an institution recognised under the provisions of the U.P. Intermediate Education Act and the provisions of U.P. Act No. 24 of 1971 stands applicable. As per the writ petitioners, there are five sanctioned posts of Class-IV employees. The writ petitioners claim to have been selected and appointed as Class-IV employees on 29.08.1992, the writ petitioners claim that earlier when the documents were forwarded to District

Inspector of Schools, Jalau at Orai then certain inputs were required from the manager of the institution in question. Thereafter according to the writ petitioners, they preferred Writ A No. 62754 of 2012 which came to be disposed of on 14.12.2012 and thereafter an order is stated to have been passed by the District Inspector of Schools, Jalaun at Orai on 07.08.2013 negating the claim of the writ petitioners against which a writ petition was preferred being Writ A No.61469 of 2013 which came to be disposed of on 22.11.2013 and the correction whereof was made on 03.12.2013 and thereafter the State Government proceeded to pass an order dated 19.09.2014 whereby the writ petitioners were found within the five sanctioned strength and they were made entitled to payment of salary. The papers in question were sanctioned for payment of salary, however, according to the writ petitioners though they are getting the current salary but the salary for the period from July 2012 to August 2014 is not being paid as rather to the contrary on 11.05.2023 the second respondent, District Inspector of Schools, Jalaun at Orai has returned the papers to the principal of the institution in question.

Questioning the said order, the writ petitioners have been filed the present writ petition.

Shri Prabhkar Awasthi, learned counsel for the writ petitioners submits that it was a delay on account of the respondents themselves as the writ petitioners were forced to knock the doors of the Court then ultimately an order is stated to have been passed on 12.09.2014 according benefits, thus,

the writ petitioners are entitled to the said benefits and the question of delay will not come into the way.

Shri Manoj Vashishth, learned Standing Counsel who appears for the respondent Nos. 1, 2 and 3 submits that let the writ petitioners approach the District Inspector of Schools, Jalaun at Orai and the order dated 11.05.2023 which is impugned will not come in the way and it shall decide the matters on merit.

I have heard the learned counsel for the parties and perused the record.

Since the communication dated 11.05.2023 of the second respondent, District Inspector of Schools, Jalaun at Orai skips and overlooks the fundamental and the core issues thus the matters needs re-look. Accordingly, it is provided that the District Inspector of Schools, Jalaun at Orai shall re-examine the claim of the writ petitioners within a period of three months and for facilitating the decision in the correct perspective, the writ petitioner may approach the second respondent, District Inspector of Schools, Jalaun at Orai setting out its claim and the same shall be decided after putting to notice the fourth and fifth respondent.

With the aforesaid observation, the writ petition is **disposed off**.

Order Date :- 21.11.2023

A. Prajapati