

Court No. - 35

Case :- WRIT - A No. - 19323 of 2023

Petitioner :- Gyan Prakash Singh

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

Counsel for Petitioner :- Deo Prakash Singh

Counsel for Respondent :- C.S.C.

Hon'ble Vikas Budhwar,J.

Heard Shri Deo Prakash Singh, learned counsel for the writ petitioner as well as Shri Shailendra Singh learned Standing counsel who appears for respondent nos.1 to 5.

In view of the order which is being proposed to be passed notices are not being issued to the respondent no.6.

The case of the writ petitioner is that he had applied in pursuance of the advertisement no. 01/1998 on the post of Assistant Teacher. He claims to have been selected and a placement order that was issued on 21.09.2004 according placement in the institution Shiv Narayan Inter College, Gopalpur, Jaunpur. When the writ petitioner approached the said institution for being accorded joining the joining was refused which resulted in issuance of another order dated 11.04.2005 by the District Inspector of Jaunpur according placement to the writ petitioner in the sixth respondent's institution Gramoday Inter College Gaurabadshahpur, Jaunpur. The claim of the writ petitioner is that he is entitled to be treated under the Old Pension Scheme not in New Pension Scheme. He seeks to rely upon the decision in the case of Nirupama Malviya Vs. State of U.P. and 5 others Writ A No.67274 of 2015 decided on 19.10.2023.

Shri Shailendra Singh, learned Standing counsel submits that the issues with the writ petitioner seeks to raise any state of determination at the first instance by the fourth respondent Deputy Director of Education (Secondary) Varanasi Region Varanasi the writ petitioner may represent before the fourth respondent

Considering the submissions of the rival parties stands taken by them the writ petition stands disposed of granting liberty to the writ petitioner to approach the fourth respondent who shall put to notice to sixth respondent and thereafter consider the claim of the

petitioner strictly in accordance with law existing on the land within a period of three months from the date of production of a certified copy of this order.

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

Order Date :- 30.11.2023

A Gautam