

Court No. - 35

Case :- WRIT - A No. - 19913 of 2023

Petitioner :- Ram Giri Gusai

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

Counsel for Petitioner :- Mahendra Singh, Sanjay Kumar

Counsel for Respondent :- C.S.C.

Hon'ble Vikas Budhwar, J.

On the oral request of learned counsel for the petitioner, he is permitted to implead Deputy Director of Education, Jhansi Mandal, Jhansi as the 6th respondent.

Heard Sri Mahendra Singh, learned counsel for the petitioner and Sri Saurabh, the learned Standing Counsel, who appears for Respondents 1 to 4.

In view of the order, which is being proposed to be passed today, notices are not being issued to the 5th respondent.

The writ petitioner claims to be possessed with the academic qualification of B.A., B.Ed. He has been engaged on honorarium basis on 01.12.2001. According to the writ petitioner, his services were absorbed by virtue of the insertion of the provisions contained in Regulation 21(E) of U.P. Secondary Education Selection Board (Amendment) Act, 2006 by virtue of the order dated 17.02.2007 and adjustment order was issued on 18.05.2007 and he was accorded selection grade post completion of 10 years on 26.07.2017 and he claims to have retired on 31.03.2023. The claim of the writ petitioner is that entire services undertaken prior to his absorption is to be considered for payment of pension.

Sri Saurabh, learned Standing Counsel, who appears for Respondent Nos. 1 to 4 submits that the issue, which the writ petitioner seeks to raise needs determination at the first instance by the 6th respondent, Deputy Director of Education, Jhansi Mandal, Jhansi, who shall accord consideration to the claim of the writ petitioner. He further submits that he does not propose to file any response.

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 6th respondent, Deputy Director of Education, Jhansi Mandal, Jhansi, along with a comprehensive representation accompanied with self-attested copy of the writ petition, who shall, on the receipt of the same, proceed to consider the case of the writ petitioner within a period of three months from the date of production of certified copy of the order.

Needless to point out that the writ petitioner has been decided without seeking any response from the respondents, thus passing of this order may not be construed to an expression that this Court has adjudicated the matter on merits.

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

Order Date :- 1.12.2023

N.S.Rathour