

Court No. - 35

Case :- WRIT - A No. - 19624 of 2023

Petitioner :- Doodh Nath

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

Counsel for Petitioner :- Dileep Kumar Mishra

Counsel for Respondent :- C.S.C.

Hon'ble Vikas Budhwar,J.

1. The contention of Sri Dileep Kumar Mishra, learned counsel for the writ petitioner is that the writ petitioner was appointed as Assistant Teacher on 01.04.1999 and his date of birth is 04.11.1963 and he is to retire post completion of 60 years on 31.03.2024, however, he has exercised option to retire at the age of 62 years. Alleging non-consideration of his claim he has filed the present writ petition.

2. Ms. Akanksha Mishra, learned State Law Officer who appears for respondents No. 1 to 5 submits that the issues which the writ petitioner seeks to raise needs determination at the first instance by the fourth respondent, District Inspector of Schools, Kanpur Nagar, let the writ petitioner may represent its cause before the fourth respondent, she does not propose to file any response to the writ petition.

3. Considering the submission of the rival parties as well as the stand taken by them, the writ petition is being disposed of without seeking any response from the respondents granting liberty to the writ petitioner to prefer a comprehensive representation before the fourth respondent, District Inspector of Schools, Kanpur Nagar who shall on the receipt of the same proceed to decide the claim of the writ petitioner within a period of six weeks from the date of production of certified copy of the order. The fourth respondent shall before taking a conscious decision put to notice the sixth respondent and seek inputs from it and decide the entitlement of the writ petition in accordance with law.

4. Needless to point out that passing of this order may not be construed to be an expression that this Court has adjudicated on the merits of the matter.

Order Date :- 4.12.2023/Rajesh