

Court No. - 35

Case :- WRIT - A No. - 19594 of 2023

Petitioner :- Bhanu Prakash Singh And 3 Others

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

Counsel for Petitioner :- Nipun Singh, Suneel Thekma

Counsel for Respondent :- C.S.C., Ranjeet Asthana

Hon'ble Vikas Budhwar, J.

1. Heard Sri Nipun Singh, learned counsel for the writ petitioner who are four in number as well as Sri Santosh Kumar Mishra, learned Standing Counsel who appears for respondents No. 1 to 4 and Sri Ranjit Asthana for the complainant who has been heard as intervener.

2. In view of the order which is being proposed to be passed today, notice is not being issued to the fifth respondent.

3. The case of the writ petitioners are that the writ petitioner No. 1 is the Principal of Janta Sahyog Inter College, Maikharagpur, Ubarpur, District Azamgarh so far as the petitioners No. 2 and 3 are concerned they are posted as Assistant Teacher and petitioner No. 4 has retired. The case of the writ petitioners is that they were getting the benefits relating to pay fixation and revision of salary from time to time, however, by virtue of the order dated 04.10.2023 of the third respondent, District Inspector of Schools, Azamgarh addressed to the Manager of the fifth respondent-institution owing to the allegation that the writ petitioners were not entitled to the said benefits now recovery is being directed to be initiated. Consequential order has been passed to 15.10.2023 by the fourth respondent Management of the institution in question. Learned counsel for the writ petitioners while inviting the attention towards paragraphs No. 18 and 19 has sought to contend that the aforesaid exercise is in violation of the principles of natural justice, he submits that the inputs which were made basis for passing the said order were not provided to the writ petitioners, he also argues that the said inputs were not even referred to in the communication dated 15.10.2023. He submit that he has already represented the matter before the authorities on 18.10.2023, the third respondent, District Inspector of Schools, Azamgarh who shall decide the matter.

4. Sri Santosh Kumar Mishra, learned Standing Counsel as well as Sri Asthana who appears for the respondents/Intervener submits that the issues which the writ petitioners seek to raise need determination at the first instance by the third respondent, District Inspector of Schools, Azamgarh as according to the counsel for the respondents as apparent from the orders impugned it prima facie does not appear that the writ petitioners have been heard and further there has been no computation in that regard. They, thus, submits that let the writ petitioners approach the third respondent.

5. Considering the submission of the rival parties as well as the stand taken by them, the writ petition is being disposed of in the following terms:

(a) the writ petitioners shall represent their cause before the third respondent, District Inspector of Schools, Azamgarh by 8 December, 2023; (b) a date shall be fixed by the District Inspector of Schools, Azamgarh in the fourth week of December, 2023; (c) hearing be accorded to the writ petitioners who are three in number and the fifth respondent Committee of Management ; (d) final orders be passed by 29.12.2023; (e) the orders dated 04.10.2023 of the District Inspector of Schools, Azamgarh shall not be given effect to and be kept in abeyance till passing of the fresh order.

6. Needless to point out that the writ petition has been decided without seeking any response and on the basis of the technical ground, thus, 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 :- 28.11.2023

Rajesh