

Court No. - 35

Case :- WRIT - A No. - 19831 of 2023

Petitioner :- Shivkumar Tiwari

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

Counsel for Petitioner :- Abhishek Kumar, Abhai Kumar Tiwari

Counsel for Respondent :- C.S.C.

Hon'ble Vikas Budhwar, J.

Heard Sri Abhishek Kumar, learned counsel for the writ petitioner and Sri Santosh Kumar Mishra, learned Standing Counsel, who appears for Respondents 1 to 5.

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

The case of the writ petitioner is that he was appointed as an assistant teacher on 01.09.1973 in the sixth respondent institution, Shri Chhiteshwarnath Kunwar Singh Inter College, Chhitauni, Chhata, Ballia and he was superannuated on 30.06.2009. According to the writ petitioner, there happens to be a communication dated 20.12.2018 of the District Inspector of Schools, Ballia to the Joint Director Madhyamik Shiksha Arth, Prayagraj whereby in a chart appended thereto at page 35, the name of the writ petitioner finds place at Serial No. 04 and the amounts referable to be paid to the writ petitioner under various para-meters/headings is Rs. 1,72,448/- reference of the annexure 3 which starts from page 30 onwards is given in para 6 of the writ petition.

Prayer in the present petition is for extending the said benefits.

Shri Santosh Kumar Mishra, learned Standing Counsel submits that the claim raised by the writ petitioner is barred by enormous and inordinate delay. However, he submits that since the writ petitioner is harping upon certain communication so let the District Inspector of Schools, Ballia take a decision in this regard. He submits that all the legal aspects be let open to be raised in this regard.

Having heard the learned counsel for the parties, this Court is of the opinion that let the writ petitioner approach the fourth respondent, District Inspector of Schools, Ballia who shall thereafter put to notice the sixth respondent and proceed to decide the entitlement of the writ petitioner, strictly in accordance with law, regarding the entitlement of the writ petitioner and the issue with regard to the claim raised by the respondents within a period of three months from the presentation of the certified copy of the order in the light of the judgment in the case of in view of the law laid down by the Hon'ble Apex Court in the case of **Mushibai Jagdish vs. Bhavnagar Munispal Corporation JD 2022 (5) SC 470.**

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

Order Date :- 1.12.2023

A. Prajapati