

**Court No. - 35**

**Case :-** WRIT - A No. - 19808 of 2023

**Petitioner :-** Ramesh Chandra Rai

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

**Counsel for Petitioner :-** Om Prakash Rai, Ashish Rai

**Counsel for Respondent :-** CSC

**Hon'ble Vikas Budhwar, J.**

1. Heard Sri Om Prakash Rai, learned counsel for the writ petitioner as well as Sri Ratan Deep Mishra, learned Standing Counsel who appears for respondents No. 1 and 3 to 6.

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

3. The case of the writ petitioner is that he was appointed in died-in-harness rules in Sri Lalsa Rai Intermediate College Sathiaon, Azamgarh, he superannuated on 31.12.2023. The writ petitioner claims grant of annual increments he seeks to rely upon the judgment in the case of **The Director (Admn. and HR) KPTCL & Others Vs. C.P. Mundinamani & Others in Civil Appeal No. 2471 of 2023 @ SLP (C) No. 6185 of 2020 decided on 11.04.2023.**

4. Sri Ratan Deep Mishra, learned Standing Counsel who appears for the respondents submits that the issues which the writ petitioner seek to raise needs determination at the first instance by the third respondent, Deputy Director of Education, Azamgarh thus, the writ petitioner may represent his cause before the third respondent. He further submits that he does not propose to file any response to the writ petition.

5. Considering the submission of the rival parties as well as the stand taken by them, the writ petition is being disposed of granting liberty to the writ petitioner to approach the third respondent, Deputy Director of Education, Azamgarh by filing a comprehensive representation along with self attested copy of the writ petition and on the receipt of the same the third respondent shall put to notice the second respondent and thereafter decide the claim of the writ petitioner within a period of two months from the date of production of certified copy of the order.

6. 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 :- 29.11.2023**

Rajesh