

Court No. - 35

Case :- WRIT - A No. - 19946 of 2023

Petitioner :- Chatar Pal Singh

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

Counsel for Petitioner :- Suchita Tripathi, Akhilesh Tiwari, Naresh Chandra Tripathi

Counsel for Respondent :- C.S.C.

Hon'ble Vikas Budhwar, J.

1. Heard Sri N.C. Tripathi, learned counsel for the writ petitioner and Sri Ratan Deep Mishra, learned Standing Counsel who appears for respondents No. 1 to 4.

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 petitioner is that he was appointed as a Lecturer "Sanskrit" through a regular selection conducted by the Board in Sanatan Dharm Inter College, Kankerkheda, District Meerut on 28.08.1990 and thereafter he was absorbed in Sri Chandan Lal National Inter College, Kandhala, District Muzaffarnagar now District Shamli. According to the writ petitioner, there were certain admissible dues which were not being paid to the writ petitioner which entailed the writ petitioner to approach the respondents which culminated into passing of an order dated 09.05.2022 by the Deputy Director of Education, Madhyamic, Saharanpur Mandal, Saharanpur which according to the writ petitioner is in favour of the writ petitioner and the District Inspector of Schools, Shamli was required to make the entire payments after getting the approvals which were normally required under the statute. Learned counsel for the writ petitioner submits that he has been representing his cause before the respondents but he has not been paid. It is also the case of the writ petitioner that in between he was entangled in a criminal case which got registered as Case Crime No. 104 of 2012 purported to be under Sections 420, 467, 468, 471 I.P.C. which also resulted in suspension which was revoked on 04.07.2013 by the District Inspector of Schools, Muzaffarnagar/Shamli on the premise that the reinstatement of the writ petitioner was subject to the final orders to be passed in the criminal trial. It is also the case of the writ petitioner that on 14.08.2023 the writ petitioner has been acquitted, it is also the case

of the writ petitioner that he is superannuated on 31.03.2019

4. Prayer in the present petitioner is for a direction to the respondents to make available the entire benefit which stand computed and quantified in favour of the writ petitioner.

5. Learned Standing Counsel, on the other hand, submits that the issue as to whether the order dated 09.05.2022 is intact and the writ petitioner is entitled to the said benefits on the basis of the said order needs determination at the first instance by the fourth respondent, District Inspector of Schools, District Shamli. The writ petitioner may approach before the fourth respondent, he does not propose to file any response to the writ petition.

6. 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 prefer a comprehensive representation along with self attested copy of the writ petition before the fourth respondent, District Inspector of Schools, Shamli who shall thereafter put to notice the fifth respondent and decide the entitlement of the writ petitioner in accordance with law bearing in mind the order dated 09.05.2022 within a period of two months from the date of production of certified copy of the order. In case, the District Inspector of Schools, Shamli, fourth respondent is of the opinion that the matter needs to be redressed by any other authority then the papers be transmitted to it with due communication to the writ petitioner and the Committee of Management.

7. With the aforesaid observation, the writ petition stands disposed of.

Order Date :- 2.12.2023

Rajesh