

Court No. - 35

Case :- WRIT - A No. - 19956 of 2023

Petitioner :- Mahendra Pal Singh

Respondent :- Deputy Director Of Education (Secondary) And 3 Others

Counsel for Petitioner :- Indra Raj Singh, Adarsh Singh

Counsel for Respondent :- C.S.C

Hon'ble Vikas Budhwar, J.

1. Heard Sri Adarsh Singh, learned counsel for the writ petitioner, Sri H.K. Shukla, learned Standing Counsel who appears for respondents no. 1, 2 and 3.

2. In view of the order which is being proposed to be passed notices are not being issued to the respondent no. 4.

3. The writ petitioner claims to be appointed as an Assistant Teacher C.T. Grade in the respondent no. 4 institution on 1.9.1986 and subsequently promoted in L.T. Grade on 8.7.1993, Lecturer on 6.8.2009 and thereafter, was made officiating principal on 12.7.2017, approval whereof was granted by respondent no. 2 District Inspector of Schools, Bulandshahr on 18.4.2018 with effect from 12.7.2017. He claims to have retired from the said post on 31.3.2019, however, pension is being paid as a Lecturer and not commensurate to the status to which he claims to have enjoyed as an officiating principal. He placed reliance upon the judgment in the case of Satya Prakash Sharma Vs. State of U.P. passed in Writ-A No. 2733 of 2023 decided on 23.5.2023 relying upon the Full Bench judgment of this Court in Surendra Prasad Agnihotri Vs. State of U.P.: 2010) Supreme (All) 196.

4. Sri H.K. Shukla, learned Standing Counsel submits that the issue with the writ petitioner needs determination at the first instance by respondent no. 1, Deputy Director of Education (Secondary) 1st Region, Meerut, who shall address to the claim of the writ petitioner. He further submits that he does not propose to file any response to the writ petition.

5. Considering the submissions of rival parties as well as stand taken by them, the writ petition is being disposed of granting liberty to the petitioner to approach before respondent no. 1, who

shall put to notice respondent no. 4 and decide the entitlement of the writ petitioner within a period of three months from the date of production of certified copy of this order, strictly, in accordance with law and the judgment referred hereinabove.

Order Date :- 7.12.2023

S.A.