

Court No. - 35

Case :- WRIT - A No. - 19996 of 2023

Petitioner :- Ray Sahab Singh

Respondent :- State Of U.P. And 3 Others

Counsel for Petitioner :- B.S. Pandey, Kartikey Pandey

Counsel for Respondent :- C.S.C.

Hon'ble Vikas Budhwar, J.

Heard Sri B.S. Pandey, learned counsel for the petitioner and Sri S.K. Mishra, learned Standing Counsel, who appears for respondents 1, 2 and 3.

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

The case of the writ petitioner is that he was initially appointed on 28.7.1991 as an Assistant Teacher in L.T. Grade against short term vacancy and his appointment was approved on 15.9.1997. It is also the case of the writ petitioner that on 30.10.1999, the District Inspector of Schools, Jaunpur pursuant to an inquiry found the appointment of the writ petitioner to be perfectly valid and directed for release of salary however the writ petitioner was compelled to prefer Writ-Petition No.9997 of 2001, Shiv Prakash Tiwari and others vs. Director of Secondary Education and others which came to be disposed of on 14.3.2019 observing in para 9 of the order that the appointment of the writ petitioner was perfectly valid and he was entitled to be considered for regularisation under Section 33(c) of the U.P. Secondary Education Service Selection Board Act, 1982. Thereafter according to the writ petitioner an order is stated to have been passed by the District Inspector of Schools, Jaunpur on 14.2.2022 according approval to the payment of the salary. Since the said amount was not paid so the writ petitioner also preferred a Contempt Application Civil No.5822 of 2021 which on the passing of the order dated 14.2.2022 was consigned to record on 17.2.2022. The writ petitioner claims to have represented the matter for regularisation and payment of salary.

Learned counsel for the petitioner has appended at page 74 of communication dated 13.6.2022 of the District Inspector of Schools, Jaunpur third respondent addressed to the second respondent, Regional Joint Director of Education, Varanasi Region, Varanasi followed by a communication dated 30.6.2022 of

the second respondent to the third respondent that the claim of the writ petitioner for regularisation can only be considered when the payment of salary is being acceded to. The writ petitioner claims to have preferred to another Contempt Application Civil No.5916 of 2022 which also came to be dismissed with liberty to file a recall application which also came to be dismissed on 19.10.2023.

Prayer in the present petition is for the payment of salary for the said period and also regularisation of his services.

Sri S.K. Mishra, learned Standing Counsel submits that the issues with the writ petitioner seeks to raise needs determination at the first instance by the third respondent, District Inspector of Schools, Jaunpur with regard to the payment of salary to the writ petitioner which according to the writ petitioner stood determined by virtue of the order dated 14.2.2022 of the District Inspector of Schools, Jaunpur. He submits let a decision be taken by the third respondent and so far as the regularisation is concerned the papers would be transmitted to the Committee constituted therein headed by the second respondent.

Considering the submissions of the rival parties as well as stand taken by them, the writ petition is being disposed of without seeking any response from the respondents granting liberty to the writ petitioner to prefer a comprehensive representation along with the self-attested copy of the writ petition before the third respondent and the third respondent is required to pass an order strictly in accordance with law bearing in mind the order passed by the earlier on 14.2.2022 in case the same has not been set aside or revoked and thereafter consequential steps directing the fourth respondent, Committee of Management to make available salary bills for the payment of salary and thereafter forward the document to the Competent Authority for consideration of the claim of the writ petitioner for regularisation in terms of Section 33(c) of the U.P. Act 5 of 1982. The said exercise is to be undertaken and concluded within a period of two months from the date of presentation of the certified copy of the order.

Let a copy of this order be communicated by Sri S.K. Mishra, learned Standing Counsel to the Educational Authorities for compliance of the order.

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

Order Date :- 4.12.2023

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