

**Court No. - 1**

**Case :-** WRIT - A No. - 12192 of 2024

**Petitioner :-** Veer Bahadur Verma

**Respondent :-** State Of U.P. Thru. Its Prin. Secy. Deptt. Of Basic Education And 4 Others

**Counsel for Petitioner :-** Durga Prasad

**Counsel for Respondent :-** C.S.C., Manish Mishra, Prashant Kumar Singh, Ravi Prakash Yadav

**Hon'ble Attau Rahman Masoodi, J.**

**Hon'ble Subhash Vidyarthi, J.**

1. Heard the learned counsel for the petitioner, the learned Standing Counsel appearing on behalf of the State/opposite parties no.1 and 2, Sri Ravi Prakash Yadav, the learned counsel appearing on behalf of the opposite party no.3, Sri Abhay Kumar Dixit, Advocate holding brief of Sri Prashant Kumar Singh, the learned counsel appearing on behalf of the opposite party no.4 and perused the records.

2. Undisputedly, the petitioner was selected as an OBC category candidate on the post of Assistant Teacher and as per merit his name was placed at serial no.196 in the list of total of 677 selected candidates. The appointment of the petitioner along with other candidates, who faced the same very selection was made by order dated 31.12.2005, wherein he is placed at serial no.196. Thus, for the purposes of service benefits in the nature of annual increment, seniority etc. the effective date of appointment was clearly the one as specified in the order of appointment.

3. The petitioner noticed some anomaly in the particulars of his name. Therefore, he made an application for correction of his name in the order of appointment. The competent authority

having regard to the relevant details rectified the mistake by order dated 03.01.2006. For the purpose of grant of annual increments a minimum of six months' service is required as per the Service Rules. All other persons, who were appointed along with the petitioner, were granted benefit of annual increment with effect from 01.07.2006, whereas the said benefit was not extended to him.

**4.** The petitioner made a representation for the grant of annual increment at par with his counterparts, but same was rejected vide order dated 04.03.2017. The reason spelt out in the order of rejection was that the petitioner had not put in six months' service prior to 01.07.2006. Therefore, the said benefit was not admissible to him.

**5.** The order dated 04.03.2017 was assailed before the learned Tribunal in Claim Petition No.701 of 2017, which has been rejected by the learned Tribunal on 02.09.2024 giving rise to the present writ petition. The learned Tribunal while rejecting the claim petition has specifically recorded that as per the Government Order applicable for the purposes of grant of annual increments, it is specifically provided that a minimum of six months' service prior to 1st of July of year is a prescribed criterion, which the petitioner lacks having regard to his date of appointment as 03.01.2006. It is this judgment rendered by the learned Tribunal which has come to be challenged before us in the present writ petition.

**6.** Having gone through the writ petition carefully as well as the submissions put forth before us by the learned counsel for the parties, it is to be noted that the order of appointment of all the Assistant Teachers selected along with the petitioner was issued on 31.12.2005, wherein even the actual service rendered by

appointees were not computable from the date of joining, but has rather been treated to be from the date of the order. It is not the case before us that the petitioner had not complied with the order of appointment. The petitioner as a matter of fact had made a representation for straightening his service record by correcting his name as per his educational record relied upon for the purposes of appointment. The rectification was in the nature of a corrigendum issued by the competent authority validating the appointment order in favour of the petitioner from the date of its issuance i.e. 31.12.2005. The fault regarding mention of wrong particulars in the name of the petitioner was on the part of the authorities, rather than the petitioner who could not be deprived of any service benefit which might arise from the order of appointment and the date when the same became effective. For such a trivial issue the opposite parties ought to have considered the representation made by the petitioner fairly, but rejection of such an innocuous claim has subjected the petitioner to run from pillar to post for all these years.

**7.** The competent authority as well as the learned Tribunal while adjudicating upon the claim of the petitioner clearly fell in error in rejecting the legitimate claim as regards the effective date from which the services of present petitioner were liable to be computed. Therefore, the order dated 04.03.2017 as well as the impugned judgment/order passed by learned Tribunal on 02.09.2024 in Claim Petition No.701 of 2017, in our humble consideration are illegal and arbitrary and the same deserve to be set aside.

**8.** We accordingly set aside the impugned orders, passed by the competent authority as well as the learned Tribunal with a further direction to the authority concerned for considering the

petitioner's claim at par with his counterparts and grant him the same relief of annual increment as it has been implemented in respect of other candidates appointed by order dated 31.12.2005. This exercise shall be completed not later than a period of one month from the date of production of a certified copy of this order before the competent authority.

**9.** With the aforesaid observations/directions, writ petition stands ***disposed of***.

**[Subhash Vidyarthi, J.] [A.R. Masoodi, J.]**

**Order Date :- 19.12.2024**  
Ram.