2026:AHC:186527

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - A No. - 13333 of 2026

Shrikant Sharma

.....Petitioner(s)

Versus

State Of Up And 4 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Shashank Bhushan Pandey Chanchal, Shivendra Bahadur Singh
Counsel for Respondent(s)	:	C.S.C.

Court No. - 6

HON'BLE SIDDHARTH NANDAN, J.

1. Heard learned counsel for the parties.

2. The present writ petition has been filed with the following prayers:-

"(a) Issue a writ, order or direction in the nature of mandamus commanding directing the respondents to grant and pay to the petitioner the salary admissible to the post of principal for the entire period during which he has actually functioned and discharged the duties of Karyawahak/ Officiating Principal, with effect from 01.07.2019, And to commanding directing respondents to calculate and pay to the petitioner the entire difference between the salary actually paid to him as Assistant Teacher and the salary admissible to the post of Principal for the aforesaid period, along with consequential benefits and reasonable interest.

(b) Issue a writ, order or direction in the nature of Mandamus commanding directing respondents to calculate and pay to the petitioner the entire difference of the salary actually paid to him as Assistant Teacher and the salary admissible to the post of Principal for the aforesaid period, along with consequential benefits with reasonable interest.

(c) Issue a writ, order or direction in the nature of Mandamus commanding directing respondents to direct the respondent no.4/ District Inspect of Schools to consider and decide the petitioner's representations dated 08.04.2026 and 29.04.2026, keeping in view the judgments of this 'Hon'ble Court referred to hereinabove, within time-bound period."

3. At the very outset, learned counsel for the petitioner has submitted that a Coordinate Bench of this Court, vide order dated 16.04.2026 passed in

Writ-A No. 5361 of 2026 (Triyugi Deo Pandey Vs. State of U.P. and 4 others), while observing the ratio laid down by a Division Bench of this Court in Special Appeal No. 209 of 2026 (Veeresh Chandra Mishra and 2 others Vs. State of U.P. and 5 others), vide its judgment dated 16.03.2026, had considered the said ratio, that the Officiating Principal shall be entitled to payment of the higher salary of Principal, and as such, he submits that he is also entitled to the same relief. For ready reference, paragraphs 6 and 7 of the order dated 16.04.2026 are reproduced hereinbelow:-

6. Reliance has also been placed on the recent judgment/order dated March 26, 2026 passed by Division Bench of this Court in Special Appeal No.209 of 2026 (Veeresh Chandra Mishra And 2 Others Vs. State Of U.P. And 5 Others). Relevant paragraph No. 48 of the judgment in Veeresh Chandra Mishra (supra) is reproduced hereunder:-

"48. As to the relief to be delivered-

(i) It is first declared that the original petitioners/appellants shall be entitled to continue as Officiating Principal of their respective Intermediate Colleges, till any regularly appointed candidate is made available, to such institutions.

(ii) For the duration of their continuance as Officiating Principal, the original petitioners/appellants shall be entitled to payment of higher salary of Principal, without any other or further relief. (iii) For the purpose of computation of period for which the higher payment of salary has to be made, the original petitioners/appellants would be entitled to receive such higher salary from the expiry of three months from the date of their signature being attested, as ad-hoc Principal. That amount may be computed and paid out to the original petitioners/appellants, within a period of three months from today."

7. Learned counsel for the petitioner has also placed reliance upon the judgment dated March 23, 2023 passed in Satya Prakash Sharma v. State of U.P. and others, Writ - A No.- 2733 of 2023. In the cited case Coordinate Bench of this Court has considered the judgment of Full Bench and vide paragraph 8, the Court held thus:

"8. The Full Bench of this Court in the case of Surendra Prasad Agnihotri v. State of U.P.: 2010 0 Supreme (All) 196, very categorically held that an officiating principal holding substantive post on the basis of seniority and possessing requisite qualification, if cannot be denied service benefits and in terms of salary, such person can equally be not denied pension which is also got the service benefits to which otherwise he would be entitled on the basis of last pay drawn. Vide paragraph 17 of

the judgment the Court answered the reference as under:

"17. In view of the aforesaid facts and circumstances and the legal position, we make reference for constitution of a Larger Bench to deal with the following question of law:

"Whether a teacher of Intermediate College who has already been appointed as officiating principal of the Institution by virtue of his seniority on attaining the age of superannuation in the extended period of his service shall continue as officiating principal or simply as a teacher?"

4. Learned Standing Counsel does not dispute the aforesaid proposition and submits that the representations dated 08.04.2026 and 29.04.2026 shall be considered as per law.

5. In view of the aforesaid, no fruitful purpose would be served by keeping the aforesaid writ petition pending and with the consent of the parties, the writ petition is disposed off with a direction to the authority concerned to consider and decide the petitioner's representations dated 08.04.2026 and 29.04.2026 expeditiously, preferably within a period of two months from the date of production of a certified copy of this order, provided there is no legal impediment.

6. With the aforesaid observations/directions, the writ petition stands disposed off.

(Siddharth Nandan,J.)

September 8, 2026
piyush

Digitally signed by :-
PIYUSH KUMAR
High Court of Judicature at Allahabad