

1  
**IN THE HIGH COURT OF MADHYA PRADESH  
AT GWALIOR  
BEFORE**

**HON'BLE SHRI JUSTICE MILIND RAMESH PHADKE**

**ON THE 29<sup>th</sup> OF JANUARY, 2024**

**WRIT PETITION No. 1661 of 2024**

**BETWEEN:-**

**AWDESH KUMAR THAKUR S/O SHRI S L THAKUR,  
AGED ABOUT 62 YEARS, OCCUPATION: WORKING AS  
LAB ASSISTANT IN AIDED SCHOOL VTP HIGHER  
SECONDARY SCHOOL SHANKAR COLNY SHIVPURI  
(MADHYA PRADESH)**

**.....PETITIONER**

**(BY SHRI D.K. AGRAWAL - ADVOCATE)**

**AND**

- 1. THE STATE OF MADHYA PRADESH PRINCIPAL  
SECRETARY VALLABH BHAWAN BHOPAL  
(MADHYA PRADESH)**
- 2. THE COMMISSIONER DIRECTORATE OF PUBLIC  
INSTRUCTIONS GAUTAM NAGAR (MADHYA  
PRADESH)**
- 3. DISTRICT EDUCATION OFFICER SHIVPURI  
(MADHYA PRADESH)**
- 4. THE EDUCATION OFFICER PRINCIPAL GOVT.  
GIRLS HIGHER SECONDARY COURT ROAD  
SHIVPURI (MADHYA PRADESH)**
- 5. CHAIRMAN PRESIDENT MANAGEMENT  
COMMITTEE VTP HIGHER SECONDARY SCHOOL  
VTP HIGHER SECONDARY SCHOOL (MADHYA  
PRADESH)**

**.....RESPONDENTS**

**(SHRI PAVAN SINGH RAGHUVANSHI - GOVERNMENT ADVOCATE FOR  
THE STATE)**

.....  
*This petition coming on for admission this day, the court passed the*

*following:*

**ORDER**

The present petition has been filed under Article 226/227 of the Constitution of India seeking the following reliefs:-

- "(i) The respondents be directed or be issued suitable writ or order or mandamus to allow the Petitioner to continue in the service till end of academic session 2023-2024 in terms of order/notification dated 21.08.1991 (Annexure P/1) issued by the Respondent No. 1 / State of M.P. and,
- (ii) The Respondents be directed not to insist retirement of the Petitioner on 31.01.2024 without giving benefit of the order / notification dated 21.08.1991 (Annexure P/1) issued by the Respondent No. 1 / State of M.P. and/or,
- (iii) The Respondent No. 3 be directed to communicate before 31.01.2024 regarding the extension of retirement till end of academic session 2023-2024 in terms of representation dated 13.12.2023 (Annexure P/2) forwarded to the Respondent No. 3 by the Respondent No. 5 on 26.12.2023 (Annexure - P/4) and/or,
- (iv) Any other relief in favour of the Petitioner may also be granted, if the facts and circumstances of the case permit in the interest of justice and the cost of this petition may kindly be ordered to be awarded to the Petitioner."

2. Counsel for the petitioner has submitted that in respect of the petitioner's grievance, he has preferred a representation/application but the same has not been decided till date by the respondents. A limited prayer has been made by counsel for the petitioner that if the respondents authorities are directed to decide his pending representation/application dated 13.12.2023 (Annexure P/2) in the light of Annexure P/1, dated 21.08.1991 in a time bound manner, his grievance would be redressed.

3. *Per contra*, learned counsel appearing on behalf of respondents/State on advance notice submits that if such directions are issued, he has no objection.

4. Looking to the limited prayer made by the counsel for the petitioner, the present petition is disposed of with a direction to the respondents/competent authority to decide pending representation/application of the petitioner dated 13.12.2023 (Annexure P/2) in the light of Annexure P/1, dated 21.08.1991 by passing a reasoned and speaking order as expeditiously as possible preferably within a period of **one month** from the date of receipt of the certified copy of this order. Till the representation is decided, the petitioner shall be allowed to continue in service and if petitioner is found eligible then his service will be continued till the end of the academic session.

5. With the aforesaid directions, the petition is **disposed of**.

6. It is made clear that this Court has not expressed any opinion on the merits of the case.

7. E-copy/certified copy as per Rules.

(MILIND RAMESH PHADKE)  
JUDGE

pwn\*