2026:AHC:208718

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - A No. - 15243 of 2026

Dr. Chandrashekhar Dubey

.....Petitioner(s)

Versus

State Of U.P. And 5 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Ashish Srivastava, Mohd. Samiuzzaman Khan, Sonmati Kumari
Counsel for Respondent(s)	:	C.S.C., Shesh Kumar Srivastava

Court No. - 52

HON'BLE MRS. MANJU RANI CHAUHAN, J.

1. Heard learned counsel for the petitioner, Mr. Saurabh, learned Standing Counsel for the State-respondents as well as Ms. Beena Mishra, learned Advocate holding brief of Mr. Shesh Kumar Srivastava, learned counsel for respondent no.2.

2. The present writ petition has been filed with the prayer to quash the order dated 17.07.2026 passed by respondent no.4-District Inspector of Schools, Gorakhpur and a further prayer to direct the respondents to provide the pension, gratuity and interest on the salary from 05.04.2005 to 30.06.2015 (wrongly mentioned as 30.06.2025 in the prayer) to the petitioner for the post of Principal who has discharged his service on the said post w.e.f. 01.07.2004 till his retirement forthwith.

3. On 29.09.2026, the following order was passed:

"1. Heard Shri Mohd. Samiuzzaman Khan, Advocate appearing on behalf of the petitioner, Shesh Kumar Srivastava, Advocate appearing on behalf of respondent no.2 and learned Standing Counsel for the State-respondents.
2. Issue notice to respondent no.6.
3. Apart from usual mode of service, learned counsel for the petitioner is permitted to serve the respondent No.6 outside the Court by dasti summons.
4. Registry is directed to provide dasti summons to learned counsel for the petitioner within two days.
5. The contention of the learned counsel for the petitioner is that when he was not being paid his salary, he had approached this Court by way of filing Writ - A No. 38870 of 2012 (Dr. Chandrashekhar Dubey Vs. State of U.P. and others); and this Court after observing the decision in the case of **Dr. Bramhanand Shukla vs. State of U.P. through Secretary, High Education (Service Bench No.1590 of 2008)** decided on 29.05.2019 relying upon a Full Bench decision of this Court in **Dr. Jai Prakash Narayan Vs. State of U.P. and others reported in 2014 (8) ADJ 617 (FB)**

had observed that the petitioner shall be entitled for salary for the period, they have worked as officiating Principal and it shall be paid by respondent expeditiously.

6. Though the petitioner was paid the salary by the order dated 12.05.2026 after they filed contempt petition for deliberate violation of this Court's order dated 27.11.2019; but now when he had made a request for payment of the pension on the basis of last drawn salary, in view of the dictum in the case of **Veeresh Chandra Mishra and others Vs. State of U.P. and others (Special Appeal No.209 of 2026)** which has been upheld up to the stage of Apex Court in SLP No. 32854 of 2026, not only the claim has been rejected without according any consideration; but on the contrary a threat has been extended by the District Inspector of Schools, Gorakhpur to the officiating Principal, as to why a disciplinary proceeding may not be initiated against him for forwarding the claim of the petitioner.

7. Prima facie, it is a clear case of legal mala fide when the exercise of statutory power by the District Inspector of Schools, Gorakhpur has been made with an oblique motive to throttle the claim of the petitioner, by threatening the Principal itself for forwarding the claim.

8. In view of the aforesaid, let respondent No. 4 be present before the Court on 06.10.2026 at 02:00 P.M. Along with his personal affidavit explaining, firstly whether the claim of the petitioner could have been rejected for the pension, on the basis of last drawn salary, in view of the law laid down in the case of **Veeresh Chandra Mishra** (supra); and secondly whether he could have issued such a notice to the Principal for merely forwarding the claim of the petitioner; and failing which suitable notice for contempt of the Court's order, in **Veeresh Chandra Mishra** (supra) shall be issued against him.

9. List on 06.10.2026 at 02:00 PM."

4. In compliance of the aforesaid order Mr. Ajeet Kumar Singh, presently posted as District Inspector of Schools, District-Gorakhpur is present before this Court and has been identified by his respective counsel. A personal affidavit along with exemption application has been filed on his behalf in the Court today, which is taken on record.

5. Mr. Saurabh, learned Standing Counsel for the State submits that on the earlier occasion, the preliminary objection could not be raised regarding maintainability of the present writ petition at the behest of the petitioner as the order dated 17.07.2026 is a show cause notice to his son, namely, Sri Akhilesh Dubey. Even otherwise, a petition against a show cause notice is not maintainable. As regards the second prayer, it is admitted position that the petitioner has discharged his duties as Officiating Principal and has not worked as a regular Principal, therefore, he is not entitled for pension in terms of last pay drawn in view of the decision taken in **Veeresh Chandra Mishra (supra)**, however, in case the petitioner moves a detailed representation for redressal of his grievances before the competent authority, requesting for payment of pension,

gratuity and interest on the salary for the period from 05.04.2005 to 30.06.2015 for the post of Principal, the same may be decided in accordance with law.

6. Considering the facts and circumstances of the case but without expressing any opinion on the merits of the case set up on behalf of the petitioner, the present writ petition is **disposed of** by providing that the petitioner may make fresh detailed representation, ventilating all his grievances, supported by such documents, as may be advised, before the respondent no.3-Deputy Director of Education (Sanskrit), U.P., Prayagraj, within **three weeks** from today along with a certified copy of this order. On such representation being made, respondent no.3 shall make all endeavours to consider and decide the same, strictly in accordance with law, by means of a reasoned and speaking order, not being influenced by the earlier order dated 29.09.2026 as quoted above, after giving proper opportunity of hearing to the parties concerned, as expeditiously as possible, preferably within a period of **two months** from the date of production of certified copy of this order, if there is no legal impediment.

7. The personal appearance of respondent no.4-District Inspector of Schools, Gorakhpur is exempted.

(Mrs. Manju Rani Chauhan,J.)

October 6, 2026
K.N.

Digitally signed by :-
KALP NATH SINGH
High Court of Judicature at Allahabad