2026:AHC:209917

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - A No. - 16494 of 2026

Narendra Pal

.....Petitioner(s)

Versus

State Of U.P. And 3 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Ganesh Mishra, Kamla Kant Mishra
Counsel for Respondent(s)	:	C.S.C.

Court No. - 52

HON'BLE MRS. MANJU RANI CHAUHAN, J.

1. Heard learned counsel for the petitioner and learned Standing Counsel for the State-respondents.

2. The counsel for the petitioner contends that despite the recommendation made on 11.01.2024 by District Inspector of Schools, Baghpat to Deputy Director of Education, Madhyamik, 1st Division, Meerut/ Respondent No. 2, the pensionary benefits for the post of officiating Principal on the basis of last drawn salary of Rs. 83,600/- w.e.f. 31.03.2022 are not being paid to the petitioner. In this regard he has placed a representation before respondent No. 2 that a direction be issued to decide the representation within stipulated period.

3. Sri Shailendra Singh, learned Standing Counsel, however, submits that the issue regarding payment of pension to the officiating Principal on the last pay drawn has already been decided 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), decided on 25.03.2026,** he states that the petitioner is not entitled for relief as prayed in view of the observations made in paragraph 42 and 48 of the aforesaid judgement. The relevant parts of the said judgment are as follows:-

"(42) For purposes of clarity, it may also be noted that the continuance of Officiating Principal for whatever duration, may create no rights in the such person other than right to receive higher salary for the period for which he may officiate on the post of Principal. Thus, we find that the principle of law laid down by the coordinate bench in Dhaneshwar Singh Chauhan (supra) as reaffirmed in Narbdeshwar Misra (supra) as has consistently been applied (in the circumstances noted above), for over 40 years,

requires no change. It at all, it requires re-affirmation as that principle is equally well founded, in equity. Having recognized that a person is required to officiate as Principal of an intermediate college by way of necessity existing in law and he is required to perform higher and more onerous duties, than that of any other teacher at such institution, his right to receive higher salary commensurate to such duties discharged, may never be defeated.

(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. "

4. However, the learned counsel for the respondent submits that in case a fresh representation is given by the petitioner before the respondent no.2 within the period of three weeks from today, the same shall be decided in accordance with law.

5. In view of above, without entering into merits of the case, the petition is disposed of with a direction to respondent No.2 to decide the representation of petitioner in accordance with law, within a period of two months from the date of production of certified copy of this order.

October 7, 2026
Neeraj

(Mrs. Manju Rani Chauhan,J.)

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