HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - A No. - 17622 of 2026

Rajendra Singh

.....Petitioner(s)

Versus

State Of U.P. And 4 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Raghvendra Pratap Singh, Shvetambari Singh
Counsel for Respondent(s)	:	C.S.C.

Court No. - 52

HON'BLE MRS. MANJU RANI CHAUHAN, J.

1. Heard Shri Raghvendra Pratap Singh, Advocate appearing on behalf of the petitioner and learned Standing Counsel for the respondents.

2. At the out set, learned counsel for the petitioner has relied upon a decision of coordinate Bench of this Court dated 08.02.2024 passed in Writ-A No.1879 of 2024 (Rakesh Kumar Gupta vs. State of U.P. and others), to contend that a purely legal question is involved which this Court has already addressed in the case of **Satya Prakash Sharma vs. State of U.P. and others (Writ-A No.2733 of 2023) decided on 23.05.2023**, as well as, in Full Bench decision of this Court in the case of **Surendra Prasad Agnihotri vs. State of U.P. (Special Appeal No.1987 of 2009) decided on 20.05.2010.** For ready reference Paras-8 and 17 of the Full Bench decision is reproduced below:

"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?"

3. In view of the aforesaid, he submits that the petitioner is entitled to pensionary benefits by fixation of pay on the basis of last pay drawn, i.e. on the post of Officiating Principal.

4. The aforesaid proposition has not been disputed by the learned Standing Counsel.

5. In view of the aforesaid, no fruitful purpose would be served in keeping the present writ petition pending and on the consent of the parties the writ petition is being decided at the admission stage.

6. It is not disputed that the petitioner has worked as an Officiating Principal from 30.06.2014 till his retirement on 31.03.2025, and approval order of the District Inspector of Schools, Bulandshahar dated 21.08.2015 is also on record. In view of the settled proposition of law, the authorities are directed to accord pensionary benefit to the petitioner making fixation of pay on the basis of last pay drawn and in the light of the Full Bench judgment of this Court in the case of **Surendra Prasad Agnihotri (surpa)**, expeditiously, preferably within a period of 30 days from the date of production of certified copy of this order.

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

October 24, 2026
Jitendra/-

(Mrs. Manju Rani Chauhan,J.)

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