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WRIT - A

1241

CIVIL/CRIMINAL MISC WRIT PETITION/APPEAL NO. OF 2016

DISTRICT. *Gautam Buda Nagar*

Dinesh Kumar APPLICANT / *Petitioner*

VERSUS

State of U.P & An. Ors. RESPONDENTS

COPY OF ORDER DATED ... *13.1.2016*

FINALLY DECIDED / PENDING



Court No. - 7

Case :- WRIT - A No. - 1241 of 2016

Petitioner :- Dinesh Kumar

Respondent :- State Of U.P. And Another

Counsel for Petitioner :- Randhir Jain, Ashish Jaiswal

Counsel for Respondent :- C.S.C., Ajay Kumar Sharma

Hon'ble Pradeep Kumar Singh Baghel, J.

The petitioner claims that he was appointed as Shiksha Mitra in 2006 and has undergone the requisite training. It is stated that the petitioner has completed the said training in 2014-15 and after completing it he has been issued an appointment letter dated 24th June, 2015. The petitioner claims that in pursuance of the said order he has joined on 1.7.2015 but his salary has not been sanctioned so far.

Learned Counsel for the petitioner has invited the attention of the Court to an order dated 15th October, 2015 passed by this Court in the case of **Rahul Sinha v. State of U.P. and others, Writ-A No. 59349 of 2015.**

The grievance of the petitioner is that he did his High School from the Board of Secondary Education, Madhya Bharat, Gwalior, Madhya Pradesh in 2003, but he passed the Intermediate from the U.P. Board of High School and Intermediate Education, and Graduation from Chaudhary Charan Singh University, Meerut. In the past the candidates who have passed their examination from the Board Secondary Education Madhya Bharat, Gwalior were not paid their salary on the ground that the U.P. Board of High School and Intermediate Education has de-recognized the Board of Secondary Education, Madhya Bharat, Gwalior, vide its decision dated 29th September, 2011.

Aggrieved by the said decision one of the candidates had preferred **Writ-A No. 73146 of 2011 (Santosh Kumar v. State of U.P. & others)**, wherein the Court has held that the Regulation, in pursuance of a meeting dated 29.9.2011, is yet to be amended. The Court also held that even if the said amendment is made in the Regulation that would not be applicable with the retrospective effect. In view of the above, the said writ petition was allowed. This the Court has also passed a similar order in the case of **Gautam Kumar v. State of U.P. & others, Writ-A No. 37919 of 2014.** In the said case the Court has held as under:

"Learned counsel for the petitioner submits that the said amendment shall not be operative with retrospective effect and this issue has been settled by this Court in the case of Dhanpal and others v. State of U.P. and others reported 2013(8) ADJ 723 (FB), wherein identical issue in respect of Gurukul Vishwavidyalaya , Vrindavn has been considered. Learned counsel for the petitioner has also drawn the attention of the Court to the interim order passed in Special Appeal No. 868 of 2013 (Sweeti Bhati v. State of U.P. and Another), wherein the issue in respect of the same institution i.e. Board of Higher Secondary Education Madhya Bharat Gwalior (Madhya Pradesh) has been raised. The Court as an interim measure had directed that the candidature of the petitioner/appellant will not be rejected."

Learned Standing Counsel has accepted the notice on behalf of first respondent and Sri Ajay Kumar Sharma, learned Advocate appears for the second respondent. With their consent the writ petition is being disposed of finally, at this stage, in terms of the Rules of the Court.

In view of the above, the writ petition is disposed of by issuing a direction upon the second respondent to consider the cause of the petitioner and pass appropriate order in the light of the judgement of this Court in the case **Dhanpal and others v. State of U.P. & others, 2013(8) ADJ 723 (FB)**. The petitioner may file a xerox copy of the said judgement before the second respondent along with a certified copy of this order within ten days.

No order as to costs.

Order Date :- 13.1.2016

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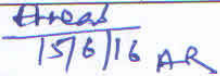


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Requisition Information								
Folio No.	Application Date	Case Type	Case No.	Year	Case filed at	Date of Judgment/Order	Court Fee	No. of Pages
143408 of 2016	14.6.2016	WRIA	1241	2016	Allahabad	13.1.2016	15.0	2

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