



2026:AHC:22451

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - A No. - 1350 of 2026

Chandraprakash Sharma

.....Petitioner(s)

Versus

State Of U.P. And 5 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Damodar Pandey
Counsel for Respondent(s)	:	C.S.C.

Court No. - 33

HON'BLE VIKAS BUDHWAR, J.

1. Heard Sri Damodar Pandey, learned counsel for the writ petitioner and Sri Rish Kumar learned Additional Chief Standing Counsel for the State.

2. Sri Rish Kumar, learned Additional Chief Standing Counsel has made a statement at bar that he is possessed with the instructions and he is in a position to argue the matter and he does not propose to file any affidavit, the writ petition be decided on the basis of the documents available on record. With the consent of the parties, the writ petition is being decided at the fresh stage.

3. The case of the writ petitioner is that there happens to be an institution by the name of Shri Ram Pandey Janta Laghu Madhyamic Vidyalaya, Godriya, Kushinagar which is governed under the provisions contained under the Uttar Pradesh Recognized Basic Schools (Junior High Schools Recruitment and Condition of Service of Teachers) Rules, 1978 and Uttar Pradesh Junior High Schools (Payment of Salary of Teachers and other Employees) Act, 1978. According to the writ petitioner, the said institution was granted permanent recognition on 29.08.1985 and the Director of Education, Basic, U.P. at Allahabad vide order dated 30.03.1995 had sanctioned total 19 post in the institution in which 1 for Headmaster, 14 for Assistant Teacher including the petitioner and 1 for Clerk and 3 posts for Class IV employees. It is also the case of the writ petitioner that pursuant to a recruitment exercise so undertaken while publishing an advertisement, the writ petitioner

participated and thereafter, the writ petitioner was selected and financial approval was accorded on 30.06.2008, however, the writ petitioner has not been paid salary as the same is not being sanctioned by the respondents.

4. Prayer in the present petition is for a direction to the respondents to accord consideration for payment of salary in pursuance of the order dated 30.06.2008.

5. Sri Rish Kumar, learned Additional Chief Standing Counsel, on the other hand, submits that whatever might be, the matter needs determination at the first instance by the District Basic Education Officer, District Kushinagar.

6. Considering the submission so made across the bar and bearing in mind the fact that the writ petitioner claims to be entitled for payment of salary, thus, District Basic Education Officer, District Kushinagar is to take a call and for the said purpose, the writ petitioner shall file a comprehensive representation along with self attested copy of the writ petition and certified copy of the order passed today by **20.02.2026** before the fourth respondent, District Basic Education Officer, District Kushinagar who shall thereupon issue notice to the Committee of Management of the institution in question and after hearing the parties pass an appropriate order within a period of four months.

7. In case, the fourth respondent is of the opinion that the matter needs to be redressed by any other authority then the papers be transmitted with due communication to the writ petitioner and the Committee of Management.

8. With the aforesaid observation, the writ petition stands disposed of.

9. Needless to point out that this Court has not adjudicated on the merits of the matter, however, the authorities shall determine the said aspect relating to selection and appointment of the writ petitioner position of vacancy, adhering of the rules and other aspect of the matter.

February 2, 2026
Rajesh

(Vikas Budhwar,J.)