



2026:AHC:42497

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - A No. - 2827 of 2026 (Leading Writ Petition)

Pankaj Kumar Jain

.....Petitioner(s)

Versus

State Of U.P. And 4 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Krishna Kumar, Soumyesh Dutt Tripathi
Counsel for Respondent(s)	:	Bhanu Pratap Singh Kachhawah, C.S.C.

with

WRIT - A No. - 2828 of 2026 (Connected C1 Writ Petition)

Purushottam Lal

.....Petitioner(s)

Versus

State Of U.P. And 4 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Krishna Kumar, Soumyesh Dutt Tripathi
Counsel for Respondent(s)	:	Bhanu Pratap Singh Kachhawah, C.S.C.

with

WRIT - A No. - 2829 of 2026 (Connected C2 Writ Petition)

Devendra Kumar

.....Petitioner(s)

Versus

State Of U.P. And 4 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Krishna Kumar, Soumyesh Dutt Tripathi
Counsel for Respondent(s)	:	Bhanu Pratap Singh Kachhawah, C.S.C.

Court No. - 33

HON'BLE VIKAS BUDHWAR, J.

1. Heard Sri Soumyesh Dutt Tripathi, learned counsel for the petitioner and Sri R.S. Umrao, learned Standing Counsel, who appears for State-respondents as well as Shri Bhanu Pratap Singh Kachhawah, counsel for the respondent no. 4.

2. The case of the writ petitioner in the leading writ petition is that he was appointed on the post of Clerk by the order of Mandaliya Sahayak Shiksha Nideshak (Basic), Agra on 26.05.1994 and his services were regularised on 28.05.1995 and he superannuated on 30.04.2025.

3. With regard to connected C1 writ petition is concerned, the petitioner therein was appointed as Peon on 02.07.1977 and regularised on 02.07.1978 by order dated .09.08.1978, superannuated on 31.01.2018 from the post of Peon.

4. As regards, connected C2 writ petition, the petitioner who was appointed on the post of Junior Clerk on 15.01.1985 regularised on 15.01.1986, he promoted on the post of Senior Clerk on 20.12.2013 and superannuated on 31.07.2020.

5. The grievance of the petitioners are that the petitioners are entitled to sanction and disbursement of leave encashment of 300 days consequent to their retirement in the light of the decision in ***Writ-A No.16921 of 2008 (Dharmidhar Dubey v. State of U.P. and others)***, decided 25.08.2014, ***Writ-A No. 29685 of 2015 (Phul Chnadra Mishra and another v. State of U.P. and others)***, decided on 21.05.2015 and in ***Special Appeal Defective No. 497 of 2016 (State of U.P. and 4 others v. Phul Chandra Mishra and another)*** which came to be dismissed on 09.08.2016 and the order of the Hon'ble Apex Court in ***U.P. Basic Shiksha Parishad v. Phul Chandra Mishra and others; Special Leave to Appeal (C) No. 36259 of 2016***, decided on 15.03.2024.

6. Prayer in the present petition is for a direction to the respondents to consider the claim.

7. Learned Standing Counsel as well as counsel appearing for the respondent no. 4 submits that the claim of the writ petitioners needs adjudication at the first instance by the fourth respondent, District Basic Education Officer, Etah.

8. To such a submission, learned counsel for the petitioner has no objection and he gracefully accepts the same.

9. Considering the submissions of the rival parties as well as stand taken by them, the writ petition is being **disposed off** granting liberty to the writ petitioners to prefer a comprehensive representation along with the self-

attested copy of the writ petition before the fourth respondent, who shall on the receipt of the same within a period of two weeks, proceed to decide the claim of the petitioner strictly in accordance with law within a period of two months from the date of presentation of the certified copy of the order. In case the fourth respondent is of the opinion that the matter is to be decided by some other authorities then the papers shall be transmitted to the same.

10. Needless to point out that the writ petition has been decided without seeking any response from the respondents. Thus, passing of this order may not be construed to an expression that this Court has gone into the merits of the case.

11. With the aforesaid observation, the writ petition is **disposed off**.

February 25, 2026

Ashu

(Vikas Budhwar,J.)