



2026:AHC-LKO:21170

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

WRIT - A No. - 403 of 2009

Wastsala Mishra D/O Rajendra Kumar Mishra Objection
Filed

.....Petitioner(s)

Versus

State Of U.P.Through Secretary Secondary Education And
Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Surendra Pratap Singh, Rajendra Pratap Singh
Counsel for Respondent(s)	:	C.S.C.

Court No. - 4

HON'BLE IRSHAD ALI, J.

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

2. By means of the present writ petition, the petitioner has prayed for the following reliefs :-

"(1) To issue a writ order or direction in the nature of MANDAMUS commanding the opposite parties to make payment of salary to the petitioner w.e.f. 1-9-2008 for the post Lecturer (Modern Subject) in Tiwari Badik Adarsh Snskrit Mahavidayala Ranigaught, Purana Kanpur.

(2) To issue a writ order or direction in the nature of MANDAMUS commanding to the opposite party no 1 &2 for directing to the opposite party no 4 to act upon in accordance with the government order dated 25-4-98.

(3) To issue a writ order or direction in the appropriate nature which this Hon'ble Court may deem fit and proper in the interest of justice.

(4) To allow the writ petition with costs."

3. Factual matrix of the case is that the petitioner was appointed on the post of Lecturer (Modern) in Tiwari Badik Adarsh Snskrit Mahavidayala Ranigaught, Purana Kanpur and is working since 01.09.2008. The respondents are not making payment of salary to the petitioner for the post on which she was appointed. The aforesaid college is a recognized degree college and has been brought under the grant in aid and is being run and managed by the Committee of Management. The sanctioned strength of the Teacher's staff is four, out of which three Teachers have retired and only one is working in the college.

4. The respondent No.6 wrote a letter to respondent No.4 on 09.05.2008 stating that 4

posts were sanctioned and appointment of all the 4 Teachers approved, out of which 3 have retired and has sought prior approval for the appointment on 3 posts for making appointment.

5. When respondent No.4 has not taken any action upon the aforesaid letter, the respondent No.5 again wrote a letter dated 09.05.2008 stating therein that due to absence of the Teacher, he is facing great problem and demanded prior approval for appointment.

6. On 24.06.2008, the respondent No.5 has made an advertisement in the two duly circulated newspaper of the area namely Aaj and Hindustan inviting the application for appointment on the post of Lecturer (Modern) of the aforesaid college and in pursuance thereof, the petitioner and other persons have sent their applications and appeared before the selection committee and the petitioner was selected in accordance with law and the respondent No.5 sent the appointment letter to the petitioner through registered post on 28.08.2008.

7. In pursuance to the appointment letter, the petitioner joined the post and since then, she is performing her duties, function and responsibilities of the post. The petitioner was appointed against the vacancy which was created due to retirement of Lecturer Modern on 30.06.1995.

8. On 28.08.2008, the respondent No.5 sent a letter to the respondent No.4 and to the University stating therein that the petitioner has been appointed and for according approval for the same. Thereafter, the petitioner made several representations before the respondents for making payment of salary but no action whatsoever has been taken by the respondents regarding the same.

9. Submission of learned counsel for the petitioner is that the petitioner was granted appointment on 28.08.2008, therefore, there is no justification on the part of the respondents not to disburse salary in favour of the petitioner. He submits that inaction on the part of the respondents is wholly unjustified.

10. Last submission of learned counsel for the petitioner is that the petitioner is entitled for the payment of salary from the State Exchequer from the date of appointment i.e. 01.09.2008.

11. On the other hand, learned Standing Counsel states that in case the appointment of the petitioner has been made w.e.f. 28.08.2008, she is entitled for the payment of salary from the State Exchequer from the date of her appointment.

12. After having heard the submission advanced by learned counsel for the parties, I perused the material on record.

13. On perusal of the record, it is evident that the appointment of the petitioner in

Tiwari Badik Adarsh Snskrit Mahavidayala Ranigaught, Purana Kanpur and was made on 28.08.2008. She continued to discharge her duties on the said post, therefore, the petitioner is entitled to get salary from the date of appointment in Tiwari Badik Adarsh Snskrit Mahavidayala Ranigaught, Purana Kanpur .

14. While entertaining the writ petition, this Court vide order dated 21.01.2009, passed the following order, operative portion is quoted below :-

"In view of the above, it is provided that if the employer -employee relationship subsists and the petitioner is continuing in the service, the petitioner shall be paid his current salary with with effect from 1st January, 2009 by the opposite parties."

15. In view of the above, this writ petition succeeds and is **allowed**.

16. However, direction is issued to the respondents to ensure payment of salary to the petitioner w.e.f. 01.09.2008 and consequential benefits shall also be provided in accordance with law.

March 24, 2026
Adarsh K Singh

(Irshad Ali,J.)