

ITEM NO.19

COURT NO.11

SECTION XI

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (C) No(s). 4798/2019

(Arising out of impugned final judgment and order dated 31-10-2018 in SA No. 1093/2018 passed by the High Court Of Judicature At Allahabad)

JAGANNATH SINGH

PETITIONER(S)

VERSUS

THE STATE OF UTTAR PRADESH & ORS.

RESPONDENT(S)

(FOR ADMISSION and I.R.)

Date : 12-03-2024 This petition was called on for hearing today.

CORAM :

HON'BLE MS. JUSTICE HIMA KOHLI

HON'BLE MR. JUSTICE AHSANUDDIN AMANULLAH

For Petitioner(s) Mr. V K Shukla, Sr. Adv.
Ms. Parul Shukla, AOR
Ms. Shubhangi Pandey, Adv.
Ms. Tanvi Chuphal, Adv.

For Respondent(s)

Mr. Ardhendumauli Prasad, Sr. A.A.G.
Mr. Krishnanand Pandeya, AOR
Mr. Yesh Kirti Kumar Bharti, Adv.
Mr. Animesh Dubey, Adv.

Mr. C Kranthi Kumar, Adv.
Mr. Sabarish Subramanian, AOR
Mr. Naman Dwivedi, Adv.
Mr. Vishnu Unnikrishnan, Adv.
Mr. Danish Saifi, Adv.
Mr. Aman Prasad, Adv.

**UPON hearing the counsel, the Court made the following
O R D E R**

1. A limited notice was issued in the present case on the question as to whether the respondent no.4-Management should be saddled with the liability to pay salary to the petitioner for the period during which he was permitted to work on the post of Head Master in the Junior High School.
2. It is not in dispute that the petitioner did discharge his duties on the post of Head Master in the institution. He was recommended to hold the post on 23rd August, 2003. It was only on 27th June, 2004, that the respondent no.2-District Basic Education Officer disapproved the petitioner's appointment on the ground that he did not possess the requisite training qualification for the post of Head Master. Aggrieved by the said decision, the petitioner had filed a writ petition¹ which was dismissed by the learned Single Judge *vide* order dated 05th October, 2018. The said order was affirmed by the Division Bench of the High Court *vide* the impugned order dated 31st October, 2018.
3. On the strength of interim orders passed by the learned Single Judge, the petitioner has continued to discharge his duties on the post of Head Master even after 27th June, 2004. In the order dated 28th July, 2004, passed by the learned Single Judge it was noted that the question regarding payment of salary to the petitioner shall be considered

¹ Civil Miscellaneous Writ Petition No. 27410/2004

subsequently.

4. It is the case of the petitioner that he has been continuing to discharge his duties as a Head Master, but has not been paid a penny as salary during all this duration.

5. The said submission is, however, sought to be verified by learned counsel for the respondents.

6. An affidavit in this regard shall be filed by the respondent no.4 within two weeks with a copy to the learned counsel for the petitioner and the State of Uttar Pradesh.

7. List on 30th April, 2024.

(POOJA SHARMA)
COURT MASTER (SH)

(NAND KISHOR)
COURT MASTER (NSH)