

**Court No. - 7**

**Case :-** WRIT - A No. - 9558 of 2024

**Petitioner :-** Shahnawaz Khan And 109 Others

**Respondent :-** State Of Up And 2 Others

**Counsel for Petitioner :-** Alok Kumar Gupta

**Counsel for Respondent :-** C.S.C.

**Hon'ble Prakash Padia,J.**

1. Heard Sri Alok Kumar Gupta, learned counsel for the petitioners and learned Standing Counsel for the respondents.

2. The petitioners have preferred the present petition with the prayer to direct the opposite parties to pay remaining stipend to each candidates of V.B.T.C. 2004 with interest.

3. Learned counsel for the petitioner argued that controversy involved in the present petition has already been decided by this Court in Writ A No.15502 of 2022 (Avneesh Pandey and others Vs. State of U.P. and others) decided on 27.09.2022.

The order dated 27.09.2022 reads as follows:-

*Heard Sri Alok Kumar Gupta, learned counsel for the petitioners and Shri Shivendra Singh, learned Standing Counsel representing the State-respondents.*

*The present writ petition has been filed by petitioners belong to Vishistha B.T.C. Shikshak, 2004 seeking issuance of writ of mandamus commanding the respondents to release the remaining stipend in favour of the Trainees in respect of Vishistha B.T.C. 2004 for the period May, 2005 to December, 2005, amounting to Rs.20,000/- each.*

*It is contended on behalf of learned counsel for the petitioners that some petitioners had earlier approached this Court by means of Writ Petition No. 49574 of 2010. The writ petition was allowed observing as under:-*

*"Paragraph 3(12) of the Government Order dated 14.1.2004 is unambiguous and nothing to the contrary has been presented to the Court. In my view, the petitioners are entitled for stipend till they are appointed as Assistant Teachers in the Primary School, therefore, from May 2005 till December 2005 the petitioners are entitled for stipend of Rs.2,500/- per month in case there is nothing contrary in law against such entitlement.*

*Subject to the aforesaid, writ petition is allowed."*

*The aforesaid order was not complied with and a contempt application being Contempt Application (Civil) No. 2584 of 2015 was filed which was disposed of by order dated 1.5.2015 requiring the opposite parties to comply with the directions of the writ court and intimate the order through self-addressed envelop within a week thereafter. It was also observed that in case opposite parties do not comply with the aforesaid directions, it would be open to the applicants to approach the Court again. When the direction of the writ court was not complied with yet again a contempt application being Contempt Application (Civil) No. 3979 of 2015 was filed which was disposed of vide order dated 26.11.2018, granting liberty to the members of the Association who had not received their monies to raise their claim before the concerned authority and thereafter take appropriate recourse in accordance with law.*

*Some of the petitioners approached this Court by filing Writ-A No. 43629 of 2017 (Prem Narayan Chaurasia & 315 others vs. State of U.P. & 5 others) which was disposed of with the following direction:-*

*"In view of the above, a direction is issued upon the first respondent- Secretary, Basic Education, U.P., Lucknow, to issue necessary directions to the appropriate authorities for compliance of the order of this Court and the order of the Supreme Court, expeditiously within two months from the date of communication of the order. He shall send compliance report to the Registrar-General, who shall place it on the record of this Case.*

*With the above directions, the writ petition stands finally disposed of. No order as to costs.*

*Let a xerox copy of this order be supplied within 24 hours without payment of usual charges to Sri D.S. Rajput, learned standing counsel, who shall communicate the order to respondent no. 1 for compliance."*

*Learned counsel for the petitioners has also invited the attention of the Court to an order passed by the Special Appellate Bench in Special Appeal Defective No. 532 of 2018 (Vandana Singh & 17 others vs. State of U.P. & 4 others) wherein directions were issued to consider the case of the appellant/petitioners therein for payment of stipend from the date of training till the date of appointment, in view of the Clause 3(12) contained under the Government Order dated 14.1.2004 and as per the judgement passed in Writ-A No. 49574 of 2010, Special Appeal Defective No. 321 of 2015 as affirmed by the Supreme Court on 12.10.2015, within a period of one month.*

*Learned counsel for the petitioners contends that despite orders passed by the Courts of law from time to time, the petitioners stand deprived of the payment of the amount of stipend under the Government Order dated 14.1.2004.*

*Considering the submissions advanced by learned counsel for the petitioners, the Court is of the opinion that the matter as regards the payment of stipend to the petitioners can be better addressed by the Secretary Basic Education, U.P., Lucknow at the first instance.*

*Accordingly, the writ petition is disposed of by requiring the petitioners to move an appropriate representation clearly setting forth their claims for payment of stipend in terms of Clause 3(12) of the Government Order dated 14.1.2004 within a period of*

*two weeks from today.*

*In the eventuality of such a representation being made within the time granted, it is expected that the Secretary Basic Education, U.P., Lucknow shall proceed to consider the same and pass appropriate orders after considering all aspects of the matter including various directions issued by the Apex Court as also this Court from time to time, expeditiously preferably within a period of two months from the date of receipt of the representation along with certified copy of this order.*

4. It is prayed that the petitioner is also entitled for the same relief.
5. Learned Standing Counsel also admitted that the controversy involved in the present petition has also been covered with the aforesaid judgement.
6. Heard learned counsel for the parties and perused the record.
7. Accordingly, the writ petition is disposed of by requiring the petitioners to move an appropriate representation clearly setting forth their claims for payment of stipend in terms of Clause 3(12) of the Government Order dated 14.1.2004 within a period of two weeks from today.
8. In the eventuality of such a representation being made within the time granted, it is expected that the Secretary Basic Education, U.P., Lucknow shall proceed to consider the same and pass appropriate orders after considering all aspects of the matter including various directions issued by the Apex Court as also this Court from time to time, expeditiously preferably within a period of two months from the date of receipt of the representation along with certified copy of this order.

**Order Date :- 23.7.2024**

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