

(2003) 06 AHC CK 0012
In the Allahabad High Court
Case No : C.M.W.P. No. 26121 of 2003

Brij Raj Pandey and Others	Vs	APPELLANT
State of U.P. and Others		RESPONDENT

Date of Decision : 19-06-2003

Acts Referred:

Uttar Pradesh Basic Education (Teachers) Service Rules, 1981 — Rule 29

Citation : (2003) 4 AWC 2901

Hon'ble Judges : Vineet Saran, J

Bench : Single Bench

Advocate : A.N. Singh and S.K. Chaubey, for the Appellant;

Final Decision : Dismissed

Judgement

Vineet Saran, J.—This writ petition has been filed with a prayer for a direction to the respondents that the petitioner may be treated in service on extension till the end of the next academic session, i.e., upto 30.6.2004.

2. The petitioners are assistant teachers in the primary schools. Their date of birth is 1.7.1943. They are claiming benefit of Rule 29 of the U. P. Basic Education Teachers" Service Rules, 1981, which is quoted below :

"Every teacher shall retire from service in the afternoon of the last day of the month in which he attains the age of 60 years :

Provided that a teacher who retires during an academic session (July 1 to June 30) shall continue to work till the end of the academic session i.e., June 30 and such period of service will be deemed as extended period of employment."

3. Admittedly the academic session begins on 1st July and ends on 30th June. The said Rule provides that in case if a teacher attains the age or superannuation during the commencement of the academic session, he shall be permitted to continue till the end of the academic session, i.e., till June 30. In the present case, all the petitioners are to attain the age of superannuation on 30.6.2003. In

such circumstances the benefit of Rule 29 of the Rules of 1981, cannot be extended to the petitioners as they are to retire on the last day of the academic session. The petitioners cannot be permitted to be on extended service from the beginning of the next academic session.

4. Thus, in my view the petitioners are not entitled to any relief. This writ petition is, accordingly, dismissed. However, there shall be no order as to cost.