

(2024) 07 UK CK 0149

In the Uttarakhand High Court

Case No : Writ Petition (S/S) No. 1423 Of 2024

Mahendra Singh Bhoj & Another

APPELLANT

Vs

State Of Uttarakhand And Others

RESPONDENT

Date of Decision : 31-07-2024

Acts Referred:

State, Legislature Enacted Uttaranchal School Education Act, 2006 — Section 58

Citation : (2024) 07 UK CK 0149

Hon'ble Judges : Pankaj Purohit, J

Bench : Single Bench

Advocate : Vikas Pande, S.M.S. Mehta

Final Decision : Allowed

Judgement

Pankaj Purohit, J

1. According to learned counsel for the petitioners, petitioners were the employees in Basic Education Board, Uttar Pradesh, which was created under Basic Education Act, 1972.

2. Learned counsel for the petitioners submits that petitioners were appointed on various dates details whereof are given in paragraph no.1 to 12 of the writ petition. Upon reorganization of the State, Legislature enacted Uttaranchal School Education Act, 2006 (for short, the Act). Section 58 of the Act provided that teachers and other employees of Basic Shiksha Parishad shall stand transferred to the State Government, or in other words, they become employees of State Government.

3. According to learned counsel for the petitioners, in terms of Section 58, a Government Order was issued on 24.06.2006 which provides that all employees, teaching or non teaching U.P. Basic Education Board, shall stand provincialized w.e.f. 22.04.2006.

4. The grievance of the petitioners is that although their status was changed

from employees of Basic Education Board to that of Government servant by Legislative Act, but the petitioners have been denied benefit of past service rendered in Basic Education Board in the matter of service benefits.

5. It is fairly submitted by learned counsel for the petitioners that the issue in question is no longer res integra and is squarely covered by a judgment rendered by this Court in WPSS No.2529 of 2015 decided on 21.05.2024. This fact has also been admitted by the State Counsel.

6. The writ petition is accordingly allowed. A writ of mandamus is hereby issued commanding the respondents to take a decision regarding petitioners' claim to calculate the period of service rendered by them in Basic Shiksha Parishad including promotion and so on, by passing a speaking and reasoned order within a period of eight weeks' from the date of receipt of certified copy of this order and further to pay all consequential benefits to the petitioners.

7. Pending application(s), if any, stands disposed of accordingly.