

(2002) 08 AHC CK 0050

In the Allahabad High Court

Case No : Civil Miscellaneous Writ Petition No. 5261 of 1986

Primary Pathshala and Another

APPELLANT

Vs

Basic Siksha Parishad and Others

RESPONDENT

Date of Decision : 06-08-2002

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2003) 1 UPLBEC 51

Hon'ble Judges : Anjani Kumar, J

Bench : Single Bench

Advocate : Sheo Kumar Singh and Vinod Kumar Singh, for the Appellant;

Final Decision : Allowed

Judgement

Anjani Kumar, J .

1. Heard learned Counsel for the parties. This Court vide its order dated 18th March, 1986 had directed to file counter-affidavit, but till date no counter-affidavit has been filed.

2. By means of the present writ petition under Article 226 of the Constitution of India, petitioners have challenged the order dated 10.10.1985, Annexure-1 to the writ petition, whereby the Deputy Inspector of Schools has sought permission from the Basic Shiksha Adhikari, Varanasi to deduct the excess amount with regard to house rent allowance that has been paid to the petitioners. Learned Counsel for the petitioners has stated that before passing of the aforesaid order, no opportunity whatsoever was given to the petitioners. Petitioners further asserted that other similarly situated Teachers are being paid the house rent allowance but the petitioners are being denied only on the ground that the petitioners are living at outer limits of 8 kilometres and therefore, they do not come within the purview of local limits. In this view of the matter, in my opinion, this writ petition deserves to be succeeded.

3. In view of what has been stated above, this writ petition succeeds and is

allowed. The order dated 10.10.1985, Annexure-1 to the writ petition, is quashed. The respondents are directed to decide the matter of the entitlement of petitioners regarding payment of house rent allowance afresh after affording opportunity to the petitioner within a period of three months from the date of production of a certified copy of this order before them by reasoned order. However, on the facts and circumstances of the case, the parties shall bear their own costs.