

**(2024) 03 UK CK 0088**

**In the Uttarakhand High Court**

**Case No : Writ Petition (S/S) No. 1282 Of 2023**

Shiromani Pandey & Others

APPELLANT

Vs

State Of Uttarakhand And Others

RESPONDENT

**Date of Decision : 20-03-2024**

**Acts Referred:**

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

**Citation : (2024) 03 UK CK 0088**

**Hon'ble Judges : Pankaj Purohit, J**

**Bench : Single Bench**

**Advocate : Vinay Kumar, Rajeev Singh Bisht, Bhupendra Singh Koranga**

**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 14.07.1977, 15.10.1971, 20.02.1996 and 19.09.1977 respectively. 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 seniority, A.C.P. and other 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 a Coordinate Bench of this Court in WPSS No. 786 of 2016 decided on 31.05.2017. 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 for seniority and other consequential benefits 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.