



2026:UHC:4069

SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS
			WPSS 528 / 2025 <u>Hon'ble Manoj Kumar Tiwari, J.</u> Mr. Amar Murti Shukla, Advocate, for the petitioner. Mr. S.S. Chaudhary, Standing Counsel, for the State. (2) Petitioner was engaged as Siksha Mitra for discharging duties as Teacher in a Government Primary School in the year 2008 on the fixed remuneration of ₹6,000; he was thereafter provisionally appointed as Assistant Teacher in Government Basic School, vide order dated 22.1.2015, with the condition that he will have to qualify Teachers Eligibility Test - first. Petitioner was given regular appointment as Assistant Teacher, Government Primary School, vide order dated 24.5.2019. Petitioner retired from service on 31.12.2025. On 14.2.2025, an order was passed by Deputy Education Officer, Bhagwanpur, Haridwar, whereby petitioner was informed that excess amount was paid to him due to wrongful grant of increment to him and the excess amount is liable to be recovered from him. Thereafter by a separate communication, petitioner was informed that a sum of ₹5,39,124 is to be recovered from him. (3) Learned Counsel for the petitioner submits that petitioner is not at fault and whatever amount was released in favour of the petitioner was as per the orders passed by the competent authority. It is further contended that petitioner did not practice any fraud or misrepresentation, therefore he is not liable to any recovery of excess amount, if paid to him during his service career. (4) Learned State Counsel, however, submits that petitioner was not entitled to increment in pay scale in 2016, as he was



		provisionally appointed as Assistant Teacher and he acquired regular status only in 2019. He thus submits that due to wrongful grant of annual increment in 2016, excess amount was paid to the petitioner, which is liable to be recovered. Learned State Counsel further submits that petitioner was given opportunity to have his say in the matter as in the notice dated 14.2.2025, it was mentioned that petitioner can submit his reply on or before 20.2.2025. Thus it is contended that principles of natural justice were followed before ordering for recovery. (5) Learned Counsel for the petitioner relies upon the judgment rendered by this Court in Writ Petition (S/S) No. 335 of 2023. He thus submits that similar issue was dealt with by this Court in that writ petition, therefore present writ petition also deserves to be decided in terms of the judgment passed in Writ Petition (S/S) No. 335 of 2023. (6) Learned State Counsel fairly concedes that similar issue has been dealt with by this Court in Writ Petition (S/S) No. 335 of 2023. (7) Accordingly, writ petition is decided in terms of the judgment rendered in Writ Petition (S/S) No. 335 of 2023. Competent authority shall examine whether the case of petitioner is covered by any of the two contingencies mentioned in para 14 of judgment dated 18.9.2025, rendered by this Court in Writ Petition (S/S) No. 335 of 2023, and if it is found that petitioner's case does not fall under either of the two contingencies, then all his retiral dues, including the amount recovered, if any, shall be released in his favour within ten weeks from the date of presentation of certified copy of this order. (Manoj Kumar Tiwari, J.) 22.5.2026 Pr
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