

Court No. - 10

Case :- WRIT - A No. - 34861 of 1995

Petitioner :- Anil Kumar Misra

Respondent :- D.I.O.S. And Others

Counsel for Petitioner :- D.S.M. Triapthi, Krishna Kumar Mishra

Counsel for Respondent :- S.C., V.C. Dixit

Hon'ble Kshitij Shailendra, J.

1. Heard Sri Krishna Kumar Mishra learned counsel for the petitioner and learned Standing Counsel for the Respondents.
2. In view of the office report, service of notice upon the respondent nos.3 and 4 has already been held sufficient under the order dated 6.11.2023. No one has put in appearance on behalf of said respondents and, therefore, the Court proceeds to decide the matter finally.
3. The petitioner was appointed on the post of Peon on 22.8.1991 in the institution Sri Gandhi Inter College, Jaunpur. The petitioner joined his duties. However, in a very strange manner, the Principal of the Institution by order impugned dated 15.11.1995, terminated the services of the petitioner.
4. Learned counsel for the petitioner submits that even in the impugned order, all the observations have been made in favour of the petitioner recognizing his valid appointment as well as entitlement to receive salary but in a single line, mentioning that no financial burden should come on the institution and on some **oral order** of District Inspector of Schools, Jaunpur, the services of the petitioner have been terminated with an observation that neither any work would be taken from the petitioner nor he would be paid salary.
5. It is contended that pursuant to the interim order, the petitioner is still working on his post and receiving salary from the State Exchequer.
6. Learned counsel for the petitioner has also referred Annexure No.1 to the Supplementary Affidavit which is letter of the District Inspector of Schools issued on 15.9.1997 granting financial

approval to the petitioner's service.

7. In view of the facts and circumstances of the case and there being no written order passed by the District Inspector of Schools directing termination of services of the petitioner, the Court finds that the impugned order has been passed in consequence of an oral order and the same does not correspond to any provision of law.

8. In view of the above, the writ petition succeeds and is **allowed**.

9. The order impugned dated 15.11.1995 passed by the Principal of Sri Gandhi Inter College, Jaunpur is hereby **set-aside**.

10. The petitioner shall be entitled to all benefits of his services.

Order Date :- 5.12.2023

Gaurav Kuls