

Court No. - 35

Case :- WRIT - A No. - 15250 of 2023

Petitioner :- Vijay Narayan Giri

Respondent :- State Of U.P. And 5 Others

Counsel for Petitioner :- Anish Kumar Sinha

Counsel for Respondent :- C.S.C.,Hritudhwaj Pratap Sahi,Sankalp Narain

Hon'ble Vikas Budhwar,J.

1. Heard Shri Anish Kumar Sinha, learned counsel for the writ petitioner as well as Shri Pradeep Kumar Sahi, learned Additional Chief Standing Counsel who appears for respondent Nos. 1 to 4 and Shri Samarth Singh, learned counsel who appears for the sixth respondent.

2. In view of the order which is being proposed to be passed, notices are not being issued to the fifth respondent.

3. The case of the writ petitioner is that the fifth respondent, Ashok Inter College, Baburi, District Chandauli is an institution recognised under the provisions of U.P. Intermediate Education Act, 1921 and the provisions of U.P. Act No. 24 of 1971 stands applicable. The writ petitioner claims to have been appointed on compassionate ground as a Class-IV employee (peon) since the order dated 30.09.2018 and he has assumed the charge on 01.10.2018. It is further the case of the writ petitioner that on the basis of incorrect charges, he was placed under suspension on 22.05.2023 by the sixth respondent. The matter reached the District Inspector of Schools, Chandauli District Chandauli, fourth respondent in terms of the provisions contained under Section 16 (g)

read with Regulation 39 (2) and (3) of the Chapter III of the U.P. Intermediate Education Act on 20.06.2023, the District Inspector of Schools, Chandauli, fourth respondent proceeded to pass an order to the extent that the matter of the suspension of the writ petitioner needs to be reconsidered and inputs are required from the sixth respondent.

4. Since the writ petitioner has not been reinstated in service and he has not been made admissible to the benefits so the writ petitioner has preferred the present writ petition.

5. The learned counsel for the writ petitioners submits that once there happens to be an order dated 20.06.2023 of the District Inspector of Schools, Chandauli, District Chadauli for reconsideration of the issue of suspension of the writ petitioner then in the circumstances the claim of the writ petitioner is to be considered afresh strictly in accordance with law after recording reasons in coming to the conclusion as to why and under what circumstances, the writ petitioner is to continue under suspension and not be accorded joining. He submits that there is no specific order in that regard has been passed. Thus he is entitled to be reinstated.

6. Shri Samarth who appears for the respondent No. 6 has invited the attention of the Court towards Annexure-15 at page 63 being a charge sheet dated 12.07.2023 so as to contend that the charge sheet itself contains a recital to the affect that the matter was reconsidered and it was found that the writ petitioner is not entitled to be reinstated and

the suspension order does not need any reconsideration.

7. Shri Pradeep Kumar Sahi, learned Additional Chief Standing Counsel who appears for the official respondents supports the order passed by the District Inspector of Schools dated 20.06.2023.

8. I have heard learned counsel for the parties and perused the record.

9. Since, it has not been disputed by the parties in question that the order dated 20.06.2023 of the District Inspector of Schools, Chandauli is still intact and has attained finality thus the employer of the writ petitioner was under obligation to reconsider the claim of the writ petitioner for revoking of the suspension. However, as per Shri Singh, who appears for the sixth respondent consideration has been made though recital has been made in the charge sheet dated 12.07.2023. In the opinion of the Court, once inputs were required by the District Inspector of Schools, Chandauli by virtue of the order dated 20.06.2023 the consideration ought to have been made.

10. Accordingly, the writ petition is being disposed of requiring the District Inspector of Schools, Chandauli, fourth respondent to decide the claim of the writ petitioner in the light of the order dated 20.06.2023 passed by it after putting to notice the fifth and sixth respondent within a period of three weeks from today.

11. In case the writ petitioner has not been paid the legally admissible benefits available under law then the respondent shall take appropriate follow up actions.

12. The order passed today is on the concession of the parties as the learned counsel for the respondents, particularly, learned Additional Chief Standing Counsel and Shri Samarth Singh do not propose to file any response.

13. With the aforesaid observations, the writ petition stands **disposed of**.

Order Date :- 1.11.2023

A. Prajapati