

Court No. - 35

Case :- WRIT - A No. - 15763 of 2023

Petitioner :- Dr. Dhirendra Kumar

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

Counsel for Petitioner :- Om Prakash Singh, Mohan Yadav

Counsel for Respondent :- C.S.C., Rohit Pandey, Vijay Kumar Gupta

Hon'ble Vikas Budhwar, J.

Vakalatnama filed by Sri Ajay Rajendra on behalf of respondent No. 6 is taken on record

1. Heard Sri Mohan Yadav along with Sri O.P. Singh, learned counsel for the writ petitioner.

2. Principally, the challenge made in the present writ petition is to the order dated 11.11.2022 passed by the Secretary of the Committee of Management Gandhi Smarak Degree College Suraj Nagar, Post Jai Nagar, District Moradabad according benefits as an Officiating Principal to the sixth respondent on the ground that he belongs to the non-academic cadre and not being a teacher he could not have been accorded officiation as Principal. Learned counsel for the writ petitioner seek to rely upon the order passed in Special Appeal No. 304 of 2022 (Vice Chancellor Sampooranand Sanskrit University & Others Vs. Jitendra Kumar Tiwari) dated 27.04.2022 as well as order passed in Writ A No. 16985 of 2015 (Dr. Jawahar Lal Upadhyay Vs. State of U.P. & 2 Others) decided on 31.03.2015.

3. Sri Ajay Rajendra, learned counsel who appears for the sixth respondent has made a statement at Bar that the writ petitioner has been placed under suspension and followed by a charge sheet. Sri Vijay Kumar Gupta, learned counsel has also adopted the argument of the counsel for the respondent No. 6.

4. On a pointed query being raised to the learned counsels for the writ petitioner as to whether the writ petitioner has been placed under suspension or not to which they have responded that the writ petitioner has been placed under suspension and they are in the process of filing a writ petition for quashing the suspension order and according to them though the writ petition further relief as

couched may not be maintainable at the subsequent stage but post passing of any order in their favour wherein challenge would be raised to the suspension order, liberty be accorded to them to file a fresh writ petition, questioning the order which is subject matter of challenge in the present writ petition.

5. To such a submission, learned counsel for the respondents have no objection accordingly, the writ petition is consigned to record leaving it open to the writ petitioner to challenge the order in question as and when the cause of action arises in that regard.

Order Date :- 18.10.2023

Rajesh