

Court No. - 35

Case :- WRIT - A No. - 16102 of 2023

Petitioner :- Raghvendra Mishra

Respondent :- State Of U.P. And 6 Others

Counsel for Petitioner :- Mahendra Pal Singh Gaur, Gunjan Sharma, Naman Kishor Sharma

Counsel for Respondent :- C.S.C.

Hon'ble Vikas Budhwar, J.

Heard Sri Naman Kishore Sharma, learned counsel for the writ petitioner, Sri Gaya Prasad Singh, learned Standing Counsel, who appears for the respondent nos. 1 to 4 and 6 and Sri Prabhakar Awasthi, learned counsel, who appears for the respondent no.7.

Principally, the prayer in the present petition is for a direction to the respondent nos.2 to 7 to free the writ petitioner from the post of Principal (In-charge) and placed to his own original position as Assistant Teacher.

This Court entertained the writ petition on 19.10.2023, while passing the following orders :-

"Principally, the relief sought in the present petition is to discharge the writ petitioner from the seventh respondent institution as Principal (Incharge).

Sri R.D. Mishra, learned Standing Counsel who appears for respondents No. 1 to 6 submits that he be allowed time to seek instructions in order to find out as to why the writ petitioner is not being discharged from the said assignment. He further submits that there already exists an order of single operation and he seeks to verify the said fact as to whether the said order has been put to challenge or what is the reason for not discharging the writ petitioner.

On his request, put up this case on 28.10.2023 at 2:00 P.M.

Supplementary affidavit filed today is taken on record."

Today, Sri Gaya Prasad Singh, learned Standing Counsel has produced before this Court the instructions under the signature of the District Inspector of Schools, Bareilly, dated 27.10.2023, wherein he has sought to rely upon Annexure Nos.5 and 6, so as to contend that in pursuance of the letter dated 27.10.2023 of the Manager of the institution in question, the writ petitioner has been directed to hand over the charge to one Sri Gajendra Singh. He further seeks to rely upon the document, which is at Annexure No.6 to the instructions to the said effect.

Sri Prabhakar Awasthi also seeks to rely upon the document dated 27.10.2023 of the Manager in question.

At this stage, learned counsel for the writ petitioner submits that Sri Gajendra Singh has shown his inability to take over the charge. Be that as it may be, now since a stand has been taken by the respondents including the seventh respondent that the writ petitioner will not be compelled to work as an Officiating Principal, thus in these circumstances, the writ petition has outlined its life.

Accordingly, it is provided that the writ petitioner may not be compelled to function as the Principal of the institution in question and he shall be made entitled to the benefits, wherever he has lien over the post in question.

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

The instructions dated 27.10.2023 is marked as Annexure 'A' and document dated 27.10.2023 is marked as Annexure 'B'.

Order Date :- 28.10.2023

S Rawat