

Court No. - 35

Case :- WRIT - A No. - 16044 of 2023 (*Leading Writ Petition*)

Petitioner :- C/M Kalka Prasad Ram Chandra, Kala Kendra Girls Inter College Bareilly Through Its Manager

Respondent :- State Of U.P. And 3 Others

Counsel for Petitioner :- Hina Shafiq, Rizwan Ahmad (Qureshi)

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

:with:

Case :- WRIT - A No. - 16901 of 2023 (*Connected Writ Petition*)

Petitioner :- Smt. Mamta Kumari

Respondent :- State Of U.P. And 3 Others

Counsel for Petitioner :- Samarath Singh, Sankalp Narain, Srivats Narain

Counsel for Respondent :- C.S.C., Hina Shafiq, Rizwan Ahmad (Qureshi)

Hon'ble Vikas Budhwar, J.

1. Heard Sri Rizwan Ahmad (Qureshi), learned counsel for the petitioner in the leading petition and the fourth respondent in the connected writ petition, Sri H.K. Shukla, learned Standing Counsel, who appears for Respondent Nos. 1 to 3 in the leading as well as in the connected writ petition and Sri Sankalp Narain, who appears for the fourth respondent in the leading writ petition and for the writ petitioner in the connected writ petition.

2. Since the writ petitions are inter-connected with each other with respect to the issues raised, thus with the consent of the parties, the writ petitions are being decided at the fresh stage.

3. A joint statement has been made by the learned counsels for the rival parties that they do not propose to file any response to the writ petitions, thus this Court is taking up the matters and hearing the same on board.

4. Incidentally, the leading writ petition is listed under the caption of fresh cases at Sl. No. 14 and the connected writ petition is listed at Sl. No. 44, under the same caption, thus they are being consolidated together.

5. Principally, the issue, which is raised in the present writ petition originates from the resolution of the Committee of Management of the Institution in question dated 04.06.2023 placing one Smt. Mamta Kumari, who happens to be the Acting Principal of the

Institution in question, who has been suspended by virtue of the order dated 05.06.2023. It has also been pointed out that the matter with respect to the approval of the suspension of Smt. Mamta Kumari was engaging attention before the District Inspector of Schools, Bareilly, who in turn proceeded to pass an order dated 23.06.2023 whereby the suspension of Smt. Mamta Kumari, Acting Principal of the Institution in question has been disapproved.

6. Questioning the order dated 23.06.2023, passed by the District Inspector of Schools, Bareilly, the leading writ petition has been filed. In so far as the connected petition is concerned the same has been filed by Smt. Mamta Kumari for a direction to ensure payment of salary to the writ petitioner and to make her admissible for the benefits, which she is liable to enjoy as an Officiating Principal.

7. Sri Rizwan Ahmad (Qureshi) submits that the order of the District Inspector of Schools, Bareilly dated 23.06.2023 disapproving the suspension of Smt. Mamta Kumari has been passed in violation of the principles of natural justice, thus, according to him, the order be set aside and the matter be remitted back.

8. Sri Sankalp Narain, who appears for Smt. Mamta Kumari, submits that might be the Committee of Management was not heard and put to notice before passing of the order dated 23.06.2023, but Smt. Mamta Kumari has not been paid salary and has not been made admissible to the benefits of the Officiating Principal. He thus submits that let the order be set aside, the matter be remitted back so as to accord fresh consideration to the matter after hearing the concerned parties. The submission of Sri Sankalp Narain has been adopted by Sri H.K. Shukla, learned Standing Counsel.

9. Since a statement has been made by the learned counsels for the rival parties that they do not propose to file any response to the writ petitions and the writ petitions are being decided in the following terms:- (a) The order dated 23.06.2023 is set aside; (b) The matter stands remitted back to the District Inspector of Schools, Bareilly; (c) Consequent to the remand, the District Inspector of Schools, Bareilly shall fix a date in the week commencing 20.11.2023 for the purpose of hearing the parties after giving due information to the Committee of Management and Smt. Mamta Kumari; (d) after exchange of the versions, submitted by them, a final order be passed in the first week of December,

2023; and (e) the question regarding the payment of salary and the benefits which Smt. Mamta Kumari claims to be accorded to her shall be considered in accordance with law.

10. With the aforesaid observations the writ petitions stand **disposed off**.

Order Date :- 31.10.2023

N.S.Rathour