

**Court No. - 35**

**Case :-** WRIT - A No. - 17427 of 2023

**Petitioner :-** Brajesh Kumar

**Respondent :-** State Of U.P. And 4 Others

**Counsel for Petitioner :-** Shashank Shekhar Singh, I. N. Singh

**Counsel for Respondent :-** C.S.C.

**Hon'ble Vikas Budhwar, J.**

Heard Sri I. N. Singh, learned counsel for the writ petitioner and Sri Shailendra Singh learned Standing Counsel, who appears for respondents 1, 2 and 3.

In view of the order, which is being proposed to be passed today, notices are not being issued to the fourth and fifth respondents.

The case of the writ petitioner is that his father was a permanent L.T. Grade Teacher in the fifth respondent institution, Shri Gandhi Inter College, Gohand, District Hamirpur who died in harness in the year 1992 and thereafter the writ petitioner was appointed as a Class-IV employee on compassionate ground on 22.1.1993 and he was promoted as Assistant Clerk on 10.4.2018. The writ petitioner claims that he was placed under suspension on 21.3.2023.

In para 19 of the writ petition it has been asserted that more than 60 days have passed but his suspension has not been approved by the District Inspector of Schools, Hamirpur, second respondent. He further submits that as per the provisions contained under Section 16G read with Regulation 39 (2)(3) of the Chapter III of the U.P. Intermediate Education Act, 1921, the writ petitioner is entitled to reinstatement in service and paid of all consequential benefits but the same has not been paid. He further submits that he has represented the matter before the authorities but till date no action has been taken in that regard.

Prayer in the present petition is for quashing the suspension order dated 21.3.2023 and for a direction not to interfere in the working of the writ petitioner as Assistant Clerk in the institution in question.

Sri Sahilendra Singh, learned Standing Counsel submits that the issue as to whether the suspension has been approved or not by the

second respondent, District Inspector of Schools, Hamirpur, needs adjudication. He further submits that let the writ petitioner approach the second respondent, District Inspector of Schools, Hamirpur, raising all his claims which shall be considered by the second respondent stickily in accordance with law.

To such a submission, learned counsel for the petitioner has no objection and he gracefully accepts the same.

Considering the submissions of the rival parties as well as stand taken by them, the writ petition is being disposed off without seeking any response from the respondents granting liberty to the writ petitioner to prefer a comprehensive representation along with the self-attested copy of the writ petition before second respondent, District Inspector of Schools, Hamirpur,, who shall on the receipt of the same, the respondent nos. 4 and 5 put to notice and after seeking their version an order be passed within a period of one month therefrom the date of presentation of the certified copy of the order.

Needless to point out that the writ petition has been decided without seeking any response from the respondents. Thus, passing of this order may not be construed to an expression that this Court has gone into the merits of the case.

With the aforesaid observation, the writ petition is **disposed off**.

**Order Date :- 16.10.2023**

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