

Court No. - 35

Case :- WRIT - A No. - 18282 of 2023

Petitioner :- Anirudh Kumar

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

Counsel for Petitioner :- Grijesh Tiwari, Chandan Kumar Chaturvedi

Counsel for Respondent :- C.S.C., A.K.S. Parihar

Hon'ble Vikas Budhwar, J.

Heard Shri Grijesh Tiwari, learned counsel for the writ petitioner, Shri Pradeep Kumar Shahi, learned counsel for the respondent Nos. 1, 3 and 4 and Shri Ajmal Hushain Siddiqui, Advocat (A/A 0869/2023) holding brief of Shri A.K.S. Parihar, learned counsel for the respondent No. 2.

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

The case of the writ petitioner is that the fifth respondent, Committee of Management, Maharaj Singh Inter College, Gangdashpur, District Saharanpur proceeded to suspend the writ petitioner on the alleged charges thereafter as per the writ petitioner pursuant to a resolution of proposal was sent by the fifth respondent, Committee of Management, Maharaj Singh Inter College, Gangdashpur, District Saharanpur to the fourth respondent, District Inspector of Schools, Saharanpur with regard to the approval of the dispensation of the services of the writ petitioner dated 25.01.2023/27.01.2023, the case of the writ petitioner is that the District Inspector of Schools, Saharanpur thereafter transmitted the papers to the second respondent, Board for taking decision on 30.01.2023 and till date no decision whatsoever has been taken.

Shri Pradeep Kumar Shahi, learned Additional Chief Standing Counsel as well as learned brief holder Shri A.K.S. Parihar on the other hand submits that post enactment of U.P. Act No. 15 of 2023, now the power of approval vests with the concern District Inspector of Schools as the provisions of the 1982 Act stands repealed, consequently, U.P. Act No. 05 of 1982 referable to Section 21 would not come into play. He, however, submits let the District Inspector of Schools take a decision.

Considering the submissions of the rival parties as well as stand taken by them, the writ petition is being disposed off, requiring the writ petitioner to approach the fourth respondent, District Inspector of Schools, Saharanpur shall thereafter proceed to decide the claim and after putting to notice the writ petitioner and fifth respondent and in the wake of the insertion of U.P. Act No. 15 of 2023 taken appropriate decision within a period of two months from the date of presentation of the certified copy of the order. In case, the papers stand available with the Board in view of the communication dated 30.01.2023 then the papers be summoned and accordingly orders be passed in this regard.

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

Order Date :- 28.11.2023

A. Prajapati