

Court No. - 35

Case :- WRIT - A No. - 19008 of 2023

Petitioner :- Kuldeep Kumar

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

Counsel for Petitioner :- Ravindra Pal Singh Kashyap, Vidhya Shanker Tiwari

Counsel for Respondent :- C.S.C., Rohit Pandey

Hon'ble Vikas Budhwar, J.

1. On the oral request of learned counsel for the writ petitioner, he is permitted to implead District Inspector of Schools, District - Moradabad, as respondent no.7 in the array of parties during the course of the day.

2. Heard Sri Vidhya Shanker Tiwari, learned counsel for the writ petitioner, Sri Awadhesh Kumar Mishra, learned Standing Counsel, who appears for the respondent nos.1 and 2 and Ms. Shambhavi Tiwari, learned Advocate, holding brief of Sri Rohit Pandey, who appears for the respondent no.3.

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

4. The case of the writ petitioner is that he was appointed as a Peon in the fourth respondent institution, D.S.M. Degree College, Kanth, District - Moradabad on 14.04.1990, however owing to certain allegations, he was placed under suspension on 02.08.2023 by the fifth respondent, Principal of the institution in question.

5. According to the writ petitioner, the said suspension order has not been approved by the District Inspector of Schools,

Moradabad. He seeks to rely upon the provisions contained under Statute 18.02 (1), 3 of the Statutes of the Rohilkhand University, Bareilly. According to him, approval is to be accorded by the District Inspector of Schools. He submits that till date no approval has been accorded, thus the writ petitioner cannot be made to be continued under suspension.

6. Learned counsel for the respondents on the other hand submits that the issue as to whether the approval has been accorded by the District Inspector of Schools, Moradabad needs determination at the first instance by the said authority. He submits that let the writ petitioner approach the seventh respondent, District Inspector of Schools, Moradabad in that regard. They further submit that they do not propose to file any response to the writ petition.

7. Considering the submissions of the rival parties as well as stand taken by them, the writ petition is being disposed of granting liberty to the writ petitioner to prefer a comprehensive representation along with the self-attested copy of the writ petition before the seventh respondent, District Inspector of Schools, Moradabad, who shall on the receipt of the same proceed to decide the entitlement of the petitioner strictly in accordance with law within a period of one month from the date of presentation of the certified copy of the order after putting to notice the writ petitioner and the fourth, fifth and the sixth respondent for seeking their version.

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

Order Date :- 16.11.2023

S Rawat