

Court No. - 36

Case :- WRIT - A No. - 19442 of 2023

Petitioner :- Vidya Sagar Pandey

Respondent :- State Of U.P. And 2 Others

Counsel for Petitioner :- B.K.Singh Raghuvanshi, Arvind Singh

Counsel for Respondent :- CSC, Harsh Vardhan Gupta

Hon'ble Manjive Shukla, J.

1. Heard learned counsel appearing for the petitioner, learned Standing Counsel appearing for the Respondents No.1 as well as Sri Harsh Vardhan Gupta, learned counsel appearing for the Respondents No.2 and 3.

2. Petitioner through this writ petition has challenged the order dated 22.7.2023 passed by the District Basic Education Officer, Kaushambi, whereby petitioner's services have been placed under suspension in contemplation of disciplinary proceedings.

3. Learned counsel appearing for the petitioner has submitted that charges levelled against the petitioner in the suspension order dated 22.7.2023 are not made out and petitioner is not responsible for the said charges, therefore the suspension order dated 22.7.2023 is unsustainable in the eyes of law.

4. On the other hand, Sri Harsh Vardhan Gupta, learned counsel appearing for the Respondents No.2 and 3 has vehemently argued that whether the charges which find mention in the suspension order are made out or not, can not be seen by this court at this stage as the said adjudication has to be done by the Inquiry Officer. Sri Harsh Vardhan Gupta, learned counsel appearing for the Respondents No.2 and 3 has also submitted that charge sheet has already been issued to the petitioner on 16.8.2023, to which petitioner has also submitted reply on 18.8.2023, therefor it would be in the fitness of things if a direction is issued by this court thereby commanding the disciplinary authority to complete the disciplinary proceedings within a fixed time frame.

5. I have considered the rival submissions advanced by the learned counsels appearing for the parties and I find that there are sufficient charges on the basis of which services of the petitioner have been placed under suspension vide order dated 22.7.2023 and therefore, whether the said charges against the

petitioner are made out or not, has to be seen by the Inquiry Officer during inquiry. This court does not find any occasion to interfere in the suspension order at this stage.

6. At this stage, learned counsel appearing for the petitioner has prayed that this writ petition may be disposed of with direction to disciplinary authority to complete the disciplinary proceedings pending against the petitioner within a fixed time frame.

7. In view of the aforesaid prayer made by the learned counsel appearing for the petitioner, this writ petition is finally disposed of with direction to disciplinary authority to conclude the disciplinary proceedings pending against the petitioner within a period of three months from the date of service of certified copy of this order.

Order Date :- 23.11.2023

Salim