

Court No. - 35

Case :- WRIT - A No. - 19967 of 2023

Petitioner :- Pawan Prakash

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

Counsel for Petitioner :- Nand Lal Pandey, Suyash Pandey

Counsel for Respondent :- CSC

Hon'ble Vikas Budhwar, J.

1. On the oral request of learned counsel for the petitioner, he is permitted to implead Principal, Shri Sanatan Dharm Boys Inter College, Lalkurti, Meerut as sixth respondent.

2. Heard Sri Nand Lal Pandey, learned counsel for the writ petitioner, Sri Shailendra Singh, learned Standing Counsel who appears for respondents No. 1 to 5.

3. The case of the writ petitioner is that pursuant to the Government Order dated 10.08.2001 relating to the self financing scheme, the writ petitioner claims to be appointed on honorarium basis Teacher on 01.07.2011. It is also the case of the writ petitioner that services are regulated by the Government Order dated 10.08.2001, however, owing to a show cause notice issued to him on 18.09.2023 relating to certain acts and omissions which have been alleged to have been committed by the writ petitioner being a party and parokar in certain proceedings, he was required to submit his explanation which the writ petitioner claims to have been submitted on 19.09.2023, certain adverse remarks have been inflicted in the service record of the writ petitioner and thereafter, according to the writ petitioner on 19.10.2023 the sixth respondent who happens to be the Principal/Central incharge of Shri Sanatam Dharm Boys Inter College, Lalkurti, Meerut has proceeded to pass an order dated 19.10.2023 that the writ petitioner is being ceased from work in view of the oral directions of the District Inspector of Schools as well as of the Authorized Controller.

4. Questioning the said order, the writ petitioner has filed the present writ petition.

5. Sri Pandey, learned counsel for the writ petitioner submits that in view of the Government Order dated 10.08.2001 clause 9 provides for dispensation of the services and the said procedure so

envisaged has not been resorted to and only on the basis of an oral direction his service has been put to naught. He submits that the entire action is per se illegal.

6. Sri Shailendra Singh, learned Standing Counsel who appears for the official State respondents including the Authorized Controller submits that though as per the writ petitioner, the Government Order dated 10.08.2001 stands applicable and he has not been heard and the said procedure has not been adopted, according to him, the order be set aside, matter be remitted back to authorities to decide afresh. He submits that he does not propose to file any response.

7. Considering the submission of the rival parties as well as the stand taken by them, the writ petition stands decided in the following terms:

(a) the order dated 19.10.2023 passed by the fifth respondent is set aside; (b) the matter stands remitted back to the competent authorities to pass a fresh order strictly in accordance with law within a period of one month from today, putting to the writ petitioner to notice while fixing a date and proceeding with the procedure so contemplated therein and the orders be passed by 12.01.2024. The order dated 19.10.2023 shall be subject to the final orders to be passed by the competent authority.

Order Date :- 8.12.2023

Rajesh