

Court No. - 36

Case :- WRIT - A No. - 19744 of 2023

Petitioner :- Shailja

Respondent :- State Of U.P. And 3 Others

Counsel for Petitioner :- P.K. Upadhyay, Kalpna Upadhyay

Counsel for Respondent :- C.S.C., Shruti Malviya

Hon'ble Manjive Shukla, J.

1. Heard learned counsel appearing for the petitioner, learned Standing Counsel appearing for the Respondents No.1 & 2 as well as Ms. Shikha Srivastava, Advocate holding brief of Ms. Shruti Malviya, learned counsel appearing for the Respondents No.3 & 4.

2. This court, after hearing parties' counsels, passed a detailed order on 29.11.2023, which is extracted as under:-

"1. Heard learned counsel appearing for the petitioner, learned Standing Counsel appearing for the Respondents No.1 & 2 and Ms. Shruti Malviya, learned counsel appearing for the

2. Petitioner through this writ petition has challenged the order dated 19.10.2023 passed by the District Basic Education Officer, Kannauj, whereby petitioner's salary has been stopped.

3. Learned counsel appearing for the petitioner has submitted that it appears that one complaint was lodged by some Advocate and on the basis of said complaint a show cause notice was issued to the petitioner on 13.10.2023 to which she submitted detailed reply on 17.10.2023, but the District Basic Education Officer, Kannauj has passed order on 19.10.2023, wherein finding has been recorded that since petitioner has not submitted any reply, therefore, it is fit case for stopping the payment of salary to the petitioner.

4. Learned counsel appearing for the petitioner has vehemently argued that show cause notice was issued to the petitioner on 13.10.2023 and on 19.10.2023 without even waiting for any inquiry in the matter, District Basic Education Officer, Kannauj has passed order, thereby, stopping payment of salary to the petitioner. Haste shown by the District Basic Education Officer speaks in volume and it appears that the order impugned in the writ petition has been passed due to some extraneous pressure.

5. Ms. Shruti Malviya, learned counsel appearing for the Respondents No.3 & 4 prays only for two days' time to take instructions in this matter.

6. List this matter on 04.12.2023, as fresh."

3. Today, Ms. Shikha Srivastava, Advocate holding brief of Ms. Shruti Malviya, learned counsel appearing for the Respondents No.3 & 4 has placed before this court the order dated 2.12.2023 passed by the District Basic Education Officer, Kannauj, whereby he has recalled his order dated 19.10.2023 by means of which direction was issued to stop payment of salary to the petitioner. Copy of the order dated 2.12.2023 is taken on record.

4. Learned counsel appearing for the petitioner has submitted that though order has been passed on 2.12.2023 but petitioner has not been paid salary with effect from the month of October, 2023.

5. In view of the aforesaid submissions advanced by the learned counsels appearing for the parties, since order impugned in this writ petition has already been recalled, this writ petition is finally disposed of with direction to District Basic Education Officer, Kannauj to pay salary to the petitioner with effect from the month of October, 2023 in terms of his order dated 2.12.2023.

Order Date :- 4.12.2023

Salim