

Court No. - 35

Case :- WRIT - A No. - 20029 of 2023

Petitioner :- Rajeev Kumar

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

Counsel for Petitioner :- Sandeep Kumar, Sr. Advocate

Counsel for Respondent :- C.S.C., Avadhesh Pratap Singh, Prabhakar Awasthi

Hon'ble Vikas Budhwar, J.

1. Heard Sri G.K. Singh, learned Senior Counsel assisted by Sri Sandeep Kumar, learned counsel for the writ petitioner, Sri Ratandeep Mishra, learned Standing Counsel who appears for respondents no. 1 and 2 and Sri Prabhakar Awasthi who appears for the respondent no. 3.

2. In view of the order which is being proposed to be passed, notice is not being issued.

3. The writ petitioner herein had filed Writ-A No. 17367 of 2023 (Rajeev Kumar Vs. State of U.P. And 3 Others) as well as the Committee of Management, respondent no. 5 preferred Writ-A No. 14480 of 2023 which came to be decided on 18.10.2023.

4. Post the said, now, on 17.11.2023, the District Inspector of Schools, Agra has passed an order for officiating the charge, one Krishna Pal Singh, respondent no. 4. This Court while entertaining the writ petition on 4.12.2023 proceeded to pass following orders:-

Learned counsel for the writ petitioner submits that the writ petitioner is being victimized in all possible manners as this Court proceeded to pass order dated 18.10.2023 providing for continuance of the writ petitioner with certain limitations as encapsuled in paras 16 and 17 of the order dated 18.10.2023 passed in Writ A No. 14480 of 2023 and Writ A No. 17376 of 2023 but now an order is stated to have been passed by the District Inspector of Schools, Agra on 17.11.2023 whereby Krishna Pal Singh's signature has been sought to be attested.

Put up this case on 07.12.2023 at 2:00 P.M. as fresh.

Sri Ratan Deep Mishra, learned Standing Counsel shall obtain instruction as to why the said order may not be treated to be boudering contempt. Personal affidavit be filed by that date.

This order has been passed in the presence of Sri Ratan Deep Mishra, learned Standing Counsel and Sri Avadhesh Pratap Singh, learned counsel who appears for the respondents' side.

5. Sri G.K. Singh, learned Senior Counsel who appears for the writ petitioner herein submits that order dated 17.11.2023 passed by the District Inspector of Schools, Agra is bounding contempt as virtually the writ petitioner was made entitled to officiate as a principal of the institution in question, however, in order to circumvent the order of the Writ Court, now, the charge has been handed over to the respondent no. 4.

6. Today, learned Standing Counsel submits that the order be set aside as the same cannot be sustained.

7. Learned counsel for the respondent no. 3 also submits that the order in question appears to be not as per the dictates of the Court itself.

8. Though, this Court was intending to seek personal appearance of concerned District Inspector of Schools, Agra who had passed such type of orders but learned Standing Counsel submits that order be set aside and a lenient view be taken.

9. Accordingly, the order dated 17.11.2023 passed by the District Inspector of Schools, Agra is set aside and the Mandamus is issued to the respondents to accord officiation to the writ petitioner.

Order Date :- 7.12.2023
S.A.