

Court No. - 7

Case :- WRIT - A No. - 7381 of 2023

Petitioner :- Praveen Kumar Dwivedi

Respondent :- State Of U.P. Thru. Secy. Basic Education Lko. And 2 Others

Counsel for Petitioner :- Indra Mani Pandey

Counsel for Respondent :- C.S.C.,Net Ram,Ran Vijay Singh

Hon'ble Abdul Moin,J.

1. Heard learned counsel for the petitioner, learned Standing Counsel for the respondents no. 1 & 2 and Shri Net Ram, learned counsel for the respondent no. 3.

2. With the consent of learned counsel appearing for the contesting parties, the writ petition is being finally decided.

3. The contention of learned counsel for the petitioner is that initially while the petitioner was working as an Assistant Teacher in Primary School, Pipri Azizpur Block Pasgawan District Lakhimupr Kheri he had been placed under suspension vide the order dated 02.03.2023, a copy of which is annexure 4 to the petition. Subsequent thereto vide the order dated 17.05.2023, a copy of which is annexure 5 to the petition, the suspension order has been revoked and the petitioner has been warned to be more careful in future. However despite the earlier attachment of the petitioner from Primary School, Pipri Azizpur Block Pasgawan District Lakhimupr Kheri to Primary School, Azawapur, Block Pasgavan District Lakhimupr Kheri his attachment has been continued and through the order dated 17.05.2023 and it has been indicated that till such time orders are passed by the Secretary, U.P. Basic Education Board, Prayagraj the attachment of the petitioner would continue.

4. The argument of learned counsel for the petitioner is once the suspension order of the petitioner had led to the petitioner being attached to Primary School, Azawapur already stands revoked

by the respondents consequently the Secretary, U.P. Basic Education Board, Prayagraj is required to pass an order pertaining to further posting of the petitioner subsequent to suspension order of the petitioner having been revoked.

5. Considering that the District Basic Education Officer, Lakhimpur Kheri had himself vide the order dated 17.05.2023 has indicated in his order that after revocation of the suspension, the order pertaining to the posting of the petitioner is required to be passed by the Secretary, U.P. Basic Education Board, Prayagraj, the writ petition is **disposed of** with a direction to the Secretary, U.P. Basic Education Board, Prayagraj i.e. the respondent no. 2 to pass order pertaining to the posting of petitioner in accordance with law and relevant rules within a period of four weeks from the date of receipt of a certified copy of this order.

Order Date :- 31.10.2023

J.K. Dinkar