

Court No. - 7

Case :- WRIT - A No. - 7474 of 2023

Petitioner :- Onkar Nath Mishra

Respondent :- State Of U.P. Thru. Addl. Chief Secy. Basic Edu. Lko And 3 Others

Counsel for Petitioner :- Nagendra Bahadur Singh

Counsel for Respondent :- C.S.C.,Rishabh Tripathi

Hon'ble Abdul Moin,J.

1. Heard learned counsel for the petitioner, learned Standing counsel appearing on behalf of the respondents no. 1 & 2 and Sri Rishabh Tripathi, learned counsel appearing on behalf of the respondents no. 3 & 4.
2. With the consent of learned counsel appearing on behalf of the contesting parties, the instant writ petition is being finally decided.
3. Under challenge is the order dated 06.09.2023 passed by the respondent no. 3, a copy of which is annexure 1 to the writ petition. A further prayer is for a Mandamus commanding the respondents to re-instate the petitioner to the post of Headmaster with all consequential benefits.
4. Bereft of unnecessary details, the case set forth by the learned counsel for the petitioner is that by means of order impugned dated 06.09.2023, the services of the petitioner have been dispensed with. The contention is that the petitioner has been working right since the year 1990 as an Assistant Teacher. At the time of passing of order impugned, he was working as Headmaster. However, without following the procedure as prescribed for a regular departmental inquiry and without initiation of disciplinary proceedings, the services of the petitioner have been dispensed with by means of the order impugned.
5. Responding to that, Sri Rishabh Tripathi, learned counsel appearing on behalf of the respondents no. 3 & 4 states that the services of the petitioner have been dispensed with without following the procedure prescribed under law i.e without initiation of disciplinary proceedings. He prays that the order impugned be set aside with the liberty to respondents to proceed a fresh against petitioner in accordance with law.

6. Thus, considering that the services of the petitioner, a regular employee have been dispensed with without following the procedure described under law and without initiation of disciplinary proceedings as admitted by Sri Rishabh Tripathi, learned counsel for the respondents no. 3 & 4, accordingly, the order impugned dated 06.09.2023, a copy of which is annexure 1 to the writ petition is quashed.

7. Consequences to follow.

8. However, it would be open for the respondents to proceed against the petitioner in accordance with law.

Order Date :- 26.10.2023

Pachhere/-