

Court No. - 7

Case :- WRIT - A No. - 7851 of 2023

Petitioner :- Surendra Bahadur Singh

Respondent :- State Of U.P. Thru. Prin. Secy. Basic Education Deptt. And 7 Others

Counsel for Petitioner :- Ajay Pratap Singh

Counsel for Respondent :- C.S.C., Akhilesh Kumar Srivastava, Ran Vijay Singh

Hon'ble Abdul Moin, J.

1. Heard learned counsel for the petitioner, learned Standing Counsel for the respondents no. 1 to 3, Shri Ran Vijay Singh, learned counsel for the respondent no. 4, 5 & 8 and Shri Akhilesh Kumar Srivastava, learned counsel for the respondents no. 6 and 7.

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

3. Under challenge is the show cause notice dated 02.08.2023, a copy of which is annexure 1 to the petition. Learned counsel for the petitioner contends that although he has already submitted the reply to the said show cause notice yet he is aggrieved with the notice so far as the District Basic Shiksha Adhikari, Pratapgarh while issuing the show cause notice has required the Block Education Officer to stop the salary of the petitioner vide the note no. 3 of the impugned notice.

4. The contention of learned counsel for the petitioner is that once the petitioner has already submitted reply to the said show cause notice and the respondents are yet to arrive at a final finding as per the said show cause notice as to whether the appointment of the petitioner was fraudulently obtained or not, as such there cannot be any occasion for stopping of the salary of the petitioner while issuing the notice, although it is always open for them to proceed in accordance with law subsequent to

receiving the reply of the petitioner.

5. To the aforesaid legal argument no dispute has been raised by learned counsel for the respondents.

6. Considering the aforesaid and as in terms of the impugned show cause notice dated 02.08.2023 the petitioner has already submitted his reply but for the fact that in the show cause notice the salary of the petitioner has also been required to be stopped as such the writ petition is **allowed**. The show cause notice dated 02.08.2023, a copy of which is annexure 1 to the petition, so far as it directs for stopping of salary of the petitioner, is quashed.

7. However, it is provided that it would be open for the respondents to proceed against the petitioner in accordance with law after considering the petitioners' reply.

Order Date :- 11.10.2023
J.K. Dinkar