

Court No. - 7

Case :- WRIT - A No. - 8282 of 2023

Petitioner :- Shiv Kumar Singh

Respondent :- State Of U.P. Thru. Its Secy. Deptt. Of Basic Education Lko. And 5 Others

Counsel for Petitioner :- Nitin Kumar Mishra

Counsel for Respondent :- C.S.C., Pankaj Gupta, Uday Veer Singh

Hon'ble Abdul Moin, J.

1. Heard.

2. Instant petition has been filed challenging the order dated 10.10.2023, a copy of which is Annexure-2 to the writ petition, passed by respondent no.3 whereby the financial and administrative powers of the petitioner, Headmaster, have been taken away.

3. This Court vide order dated 19.10.2023 had required learned Standing Counsel to seek instructions as to under which provision of law the order dated 10.10.2023 has been passed.

4. Today Dr. Udai Veer Singh, learned Additional Chief Standing Counsel, on the basis of instructions sent by Basic Shiksha Adhikari, Gonda i.e. respondent no.3, states that on account of irregularities which were being committed by the petitioner the financial and administrative powers of the petitioner have been taken away. However, he fairly states that no power vests with the Basic Shiksha Adhikari to pass the impugned order. He states that the order impugned may be set-aside with liberty to the respondents to proceed against the petitioner in accordance with law.

5. Considering the aforesaid statement as given by Dr. Udai Veer Singh, learned Additional Chief Standing Counsel, the writ petition is **allowed**. The order impugned dated 10.10.2023, a copy of which is Annexure-2 to the writ petition, is set-aside.

6. Consequences to follow.

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

Order Date :- 17.11.2023

A. Katiyar