

**Court No. - 7**

**Case :-** WRIT - A No. - 8512 of 2023

**Petitioner :-** Smt. Reeta Devi

**Respondent :-** State Of U.P. Thru. Prin. Secy. Deptt. Of Basic Education Lko. And 3 Others

**Counsel for Petitioner :-** Amrendra Nath Tripathi, Abhishek Mishra

**Counsel for Respondent :-** C.S.C., Kumar Ayush, Ran Vijay Singh

**Hon'ble Abdul Moin, J.**

1. Heard learned counsel for the petitioner, learned Standing Counsel and Shri Ran Vijay Singh, learned counsels appearing for the respondents.

2. The instant writ petition has been filed praying for the following main reliefs:

*"(i) A writ, order or direction in the nature of Certiorari thereby quashing the departmental disciplinary enquiry against the petitioner and order dated 17.08.2022 passed by opposite party no. 2, contained as annexure no. 11 to the writ petition.*

*(ii) A writ order or direction in the nature of mandamus to direct the respondent no. 2 to relieve the petitioner to join her transferred post in the office of opposite party no.4."*

3. The case set forth by the petitioner is that earlier the petitioner had filed Writ A No. 5195 of 2023 in re: Smt. Reeta Devi vs State of U.P. and others praying for a writ of mandamus commanding the respondents to relieve the petitioner with instant effect so as to enable her to join the transferred district i.e. from Shravasti to Basti. The said writ petition was dismissed by this Court vide the judgement and order dated 07.08.2023, a copy of which is annexure 1 to the petition, by considering that an inquiry was pending against the petitioner on the basis of complaints that had been received of the petitioner of having obtained her appointment by fraud.

4. The petitioner being aggrieved filed Special Appeal No. 452

of 2023 in re: Smt Reeta Devi vs State of U.P. and others. A division bench of this Court vide the judgement and order dated 22.08.2023, a copy of which is annexure 20 to the petition, considered that the petitioner had undertaken to participate in the pending inquiry and on conclusion of the same she was to be relieved for joining at the transferred place. In view thereof the Division Bench permitted the petitioner to participate in the ongoing inquiry within 10 days henceforth and on conclusion of the inquiry the petitioner was to be relieved.

5. Now the instant petition has been filed raising a challenge to the disciplinary inquiry against the petitioner on various grounds including no chargesheet having been issued to the petitioner till date.

6. Responding to that, Shri Ran Vijay Singh, learned counsel appearing for the respondents no. 3 and 4 states that the inquiry has already been concluded against the petitioner and inquiry report has been submitted by the inquiry officer on 31.10.2023 and a show cause notice was also issued to the petitioner which has not been received by the petitioner

7. The aforesaid statement is recorded.

8. Learned counsel for the petitioner states that she has not received the show cause notice.

9. The Court is of the view that once the petitioner had already approached the division bench of this Court and division bench had specifically indicated that the petitioner has undertaken to participate in the pending inquiry and the division bench permitted the petitioner to participate in the ongoing inquiry consequently resiling from the order of the division bench and raising a challenge to the very inquiry which the petitioner had

undertaken to participate and which the division bench also permitted to participate in would not be in fairness of things and the petitioner cannot be permitted to raise a challenge to the said disciplinary proceedings more particularly when now the proceedings have been concluded with the submission of the inquiry report.

10. Keeping in view the aforesaid, no case of interference is made out. The writ petition is **dismissed**.

**Order Date :- 2.11.2023**

J.K. Dinkar