

Court No. - 7

Case :- WRIT - A No. - 9875 of 2023

Petitioner :- Utkarsh Singh

Respondent :- The U.P. State Thru. Its Prin. Secy. Basic Education Mini. Of Basic Edu. Lko. And 2 Others

Counsel for Petitioner :- Shatrohan Lal,Himanshu Vaish,Rajesh Kumar Gupta

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

Hon'ble Abdul Moin,J.

1. Heard learned counsel for the petitioner and learned Standing counsel for the respondent no.1, Shri Ran Vijay Singh, learned counsel appearing for the respondent no.2 and Shri Net Ram, learned counsel appearing for the respondent no.3.

2. The instant petition has been filed challenging the order dated 06.12.2023, a copy of which is annexure 1 to the petition.

3. The contention of learned counsel for the petitioner is that earlier, based on the same charges, initially the petitioner had been placed under suspension vide an order dated 29.10.2021, a copy of which is annexure 4 to the petition. Subsequent thereto, the competent authority vide an order dated 20.08.2022, a copy of which is annexure 5 to the petition, revoked the suspension order and re-instated the petitioner.

4. The contention is that placing the petitioner again under suspension, on the basis of same charges vide the order impugned dated 06.12.2023, is clearly not countenanced under law and as such, it is prayed that the suspension order be quashed.

5. A perusal of the first suspension order dated 29.10.2021 would indicate that the petitioner had been placed under

suspension on the ground of various reports that had been published in the newspaper pertaining to a case having been lodged against the petitioner indicating a conspiracy and connivance of the petitioner in the death of his wife and various other serious charges were also indicated in the suspension order.

6. Subsequent thereto, on the basis of the legal opinion of the District Government Officer, the competent authority while considering that a final report has been submitted in the criminal case lodged against the petitioner, in which the charges had not been proved against the petition, was of the view that there is no occasion for continuing the suspension order and consequently, by means of the order dated 29.07.2022, revoked the suspension order. The order revoking the suspension of the petitioner specifically indicated that in case anything new comes to the knowledge of the competent authority, then appropriate action would be taken against the petitioner.

7. Subsequent thereto, it emerges that the final report which was submitted by the police was not accepted by the competent court as emerges from a perusal of the order dated 01.03.2022, a copy of which is annexure 7 to the petition, whereby the learned Chief Judicial Magistrate, Lakhimpur Kheri in Criminal Case No.432 of 2022 has rejected the final report submitted by the police and had directed the police authorities to submit a fresh report.

8. The competent authority after considering the order passed by the competent court of law and the conduct of the petitioner, has again placed the petitioner under suspension and hence, this petition.

9. The argument of the learned counsel for the petitioner is that

the conduct of the petitioner is not of such nature which requires the petitioner to be placed under suspension and, even if, the charges as leveled against the petitioner in the suspension orders are taken to be at face value, the same cannot said to be a misconduct so as to entail the petitioner to be placed under suspension.

10. The aforesaid argument of the learned counsel for the petitioner is patently misconceived.

11. A perusal of the first suspension order dated 29.10.2021 would indicate the serious charges had been leveled against the petitioner including having affairs with various ladies, being characterless, chatting on the social media and having obscene chat with various persons. As a final report had been submitted in the criminal case lodged against the petitioner consequently, the competent authority had initially revoked the suspension order but subsequently, when the competent court of law had not accepted the final report and has remitted the matter for further inquiry to the police authorities the competent authority has again placed the petitioner under suspension.

12. From a perusal of the impugned order of suspension, the same charges emerge i.e. obscene chat with various ladies etc. against the petitioner. While considering the said fact the Court also takes notice of the fact that the petitioner is working on the post of Assistant Teacher and is in the job of teaching young children having impressionable minds.

13. Keeping in view of the aforesaid discussion, no case for interference with the order impugned is made out. The writ petition is **dismissed**.

Order Date :- 21.12.2023
S. Shivhare