

Court No. - 6

Case :- WRIT - A No. - 19769 of 2024

Petitioner :- Arvind Kumar Rai

Respondent :- State Of U.P. And 2 Others

Counsel for Petitioner :- Abhishek Yadav, Ram Jeet Yadav

Counsel for Respondent :- C.S.C., Shashi Prakash Singh, Shesh Kumar Srivastava

Hon'ble Ajay Bhanot, J.

Heard Shri Ram Jeet Yadav, learned counsel for the petitioner, Shri Shashi Prakash Singh, learned counsel for the respondent no. 2, Shri Vishnu Swaroop Srivastava, learned counsel holding brief of Shri Shesh Kumar Srivastava, learned counsel for the respondent no. 3 are present.

By the impugned orders dated 08.01.2023 and 12.10.2018 the appointment of the petitioner is terminated on the footing that the B.T.C. and T.E.T. certificates submitted by him at the time of appointment were found to be forged.

Shri Ram Jeet Yadav, learned counsel for the petitioner contends that the reports which found the certificates of the petitioner to be forged and were relied upon while terminating his services were never served upon him.

Shri Shashi Prakash Singh, learned counsel for the BSA fairly admits that the aforesaid reports on which reliance was placed against the petitioner have not been served

upon him prior to passing the impugned order.

In the wake of the aforesaid submissions, this Court finds that the impugned order was passed by adopting a procedure not known to law. Principles of natural justice have been violated while passing the impugned orders. The orders are in the teeth of the judgement rendered by this Court in **District Basic Education Officer and another vs. Punita Singh and others** rendered in **Special Appeal Defective No. 506 of 2024**.

The impugned orders dated 08.01.2023 and 12.10.2018 are liable to be set aside and are set aside. The writ petition is allowed with the following directions:

- i. Fresh proceedings shall be drawn against the petitioner in light of the judgement rendered by this Court in **Punita Singh (supra)**.
- ii. The reports which are proposed to be relied upon against the petitioner, and the verification reports which opine that the educational certificates of the petitioner are forged shall be served upon him along with the show cause notice.
- iii. The petitioner shall be given an opportunity to submit a defence to the aforesaid show cause notice.
- iv. The controversy shall be decided after considering the defence of the petitioner. The petitioner is directed to cooperate in the proceeding.

v. The matter shall be decided by a reasoned order within a period of three months from the date of receipt of a certified copy of this order. In case the petitioner does not cooperate in the aforesaid proceedings, the respondent authority shall return a finding to this effect and proceed as per law to conclude the proceedings in the aforesaid period.

The respondent authority shall ensure adherence to the judgement rendered by this Court in **Punita Singh (supra)** while passing a fresh order.

The writ petition is allowed to the extent indicated above.

Order Date :- 20.12.2024

Vandit