SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS
			SPA/201/2026 Mainpal Singh --Appellant **Versus** State of Uttarakhand and others --Respondents **Hon'ble Manoj Kumar Tiwari, A.C.J.** **Hon'ble Subhash Upadhyay, J.** None appears for the appellant. 2. Mr. B.P.S. Mer, learned Standing Counsel for the State/respondent nos.1 to 6. 3. The objections raised by the Registry are trivial in nature, therefore, overruled. 4. This intra-court appeal is filed challenging judgment dated 22.04.2026 passed by learned Single Judge in Writ Petition (M/S) No.3446 of 2025. By the said judgment, writ petition filed by appellant seeking a writ of mandamus to competent authority to act upon recommendation made by Block Education Officer to initiate disciplinary proceedings against Respondent No.7 (Mohd. Sajid Kamal), was dismissed. The operative portion of the impugned judgment is reproduced below:- *"7. Upon consideration of the submissions advanced by learned counsel for petitioner and on perusal of the material brought on record, this Court finds that the principal relief sought in the present writ petition is for a direction to the respondent authorities to act upon the report dated 02.06.2025 submitted by Block Education Officer and to initiate disciplinary proceedings against respondent No.7. The issue, therefore, essentially pertains to the domain of disciplinary control over a government servant. It is well settled that issuance of a writ in the nature of mandamus is contingent upon the existence of a legal right in favour of the petitioner and a corresponding statutory duty on the part of respondent authority. In the present case, petitioner has not been able to demonstrate any enforceable legal right vested*

in him so as to seek a direction for initiation of disciplinary action against a third-party employee. The relief sought is in the nature of compelling the authorities to proceed in a particular manner against an employee, which lies primarily within the administrative discretion of the competent authority.

8. This Court further finds that the report submitted by Block Education Officer is in the nature of a recommendation and does not, by itself, bind the District Education Officer to act in a particular manner. The competent authority is required to independently examine the matter and take a decision in accordance with law. The course adopted by District Education Officer in seeking further verification of the records cannot be said to be so arbitrary or unreasonable so as to warrant interference under Article 226 of the Constitution of India. The scope of judicial review in matters relating to disciplinary proceedings is limited, and ordinarily, this Court would refrain from issuing directions which have the effect of directing initiation or manner of disciplinary action, particularly at the instance of a third party. In the absence of any statutory violation or manifest arbitrariness of such degree as would justify interference, no case is made out for exercise of extraordinary jurisdiction.

9. In view of the aforesaid, this Court does not find any ground to interfere in the present matter. Accordingly, the writ petition fails and is hereby dismissed in-limine."

5. We concur with reasoning given by learned Single Judge in the impugned judgment. Appellant contends that on his complaint, Block Education Officer made some inquiry and the allegation made by appellant in his complaint were found to be correct. Thus, appellant contends that disciplinary authority is under a duty to take appropriate disciplinary action against concerned teacher against whom allegations made were found to be correct.

6. We are not impressed by the submissions made on behalf of appellant.

7. The report submitted by Block Education Officer is in

the nature of recommendation which is not binding upon disciplinary authority. Learned Single Judge is right in holding that a writ of mandamus can be issued only for enforcement of a public duty. The disciplinary authority cannot be directed to act in a particular manner and it is for the disciplinary authority to take any independent decision based on the report submitted by Block Education Officer.

8. Learned State Counsel points out that this appears to be a case of personal vendetta by the appellant against the teacher concerned. He further submits that appellant has no *locus standi* to maintain writ petition or appeal. We found some substance in the contention raised by learned State Counsel.

9. For the aforesaid reasons, we do not find any scope for interference with the view taken by learned Single Jude. Special Appeal fails and the same is dismissed.

(Subhash Upadhyay, J.)
25.11.2026

(Manoj Kumar Tiwari, A.C.J.)
25.11.2026

SS/PP