2026:UHC:2930

HIGH COURT OF UTTARAKHAND AT NAINITAL

Writ Petition Misc. Single No. 3446 of 2025

22 April, 2026

Mainpal Singh --Petitioner

Versus

The State Of Uttarakhand and Others --Respondents

Presence:-

Mr. Lalit Miglani, learned counsel for petitioner.

Mr. Suyash Pant, learned Standing Counsel with Ms. Swati Verma, learned Brief Holder for State of Uttarakhand/ respondent Nos.1 to 6.

Hon'ble Pankaj Purohit, J. (Oral)

The present writ petition has been filed under Article 226 of the Constitution of India for a direction to respondent authorities, particularly the District Education Officer Haridwar, to act upon the report dated 02.06.2025 submitted by the Block Education Officer and to take appropriate action against respondent No.7, along with a direction for submission of a compliance report within a stipulated period.

2. The facts of the case are that on 09.11.2022, an FIR came to be lodged in respect of an alleged incident dated 07.11.2022 involving a minor. During the course of inquiry, presence of the said minor in concerned school at the relevant time was reflected in the school records. Subsequently, certain documents including copies of the attendance register and related records of Rajkiya Ucch Prathmik Vidyalaya, Sultanpur Sabatwali, were obtained under the provisions of the Right to Information (RTI) Act through communications dated 28.03.2023 and 31.12.2023. A complaint dated 07.11.2023 was thereafter submitted before Joint Magistrate, Roorkee, with respect to the entries made in attendance register and the manner in which records were maintained. In pursuance thereof, an inquiry was conducted, during which statement of the

Principal of concerned institution was recorded. The Block Education Officer conducted an inquiry into the matter and submitted a report dated 02.06.2025, wherein, findings were recorded with respect to the maintenance of attendance records. The said report also contained a recommendation for initiation of disciplinary proceedings against the concerned Headmaster. The Joint Magistrate, Roorkee, thereafter, issued directions to District Education Officer, Haridwar, to take action in light of the said report. The matter was thereafter considered at the level of District Education Officer. No final decision had been taken pursuant to the aforesaid report and directions at the time of filing of present writ petition.

3. Learned counsel for petitioner submitted that respondent authorities have acted in a wholly arbitrary and unjustified manner in failing to take action on the report dated 02.06.2025 submitted by Block Education Officer. It is contended that the said report clearly records findings with regard to discrepancies in the attendance register and irregularities in the maintenance of official records, and further contains a specific recommendation for initiation of disciplinary proceedings against respondent No.7.

4. He further submitted that despite the same, District Education Officer has failed to discharge the statutory obligation cast upon him and has not taken any effective steps in pursuance thereof. He also submitted that inaction on the part of respondent authorities is in the teeth of directions issued by Joint Magistrate, Roorkee, who had required District Education Officer to take appropriate action in light of the inquiry report. According to learned counsel for petitioner, once a competent authority has conducted an inquiry and returned findings, the matter could not have been kept pending indefinitely on untenable grounds.

5. Learned counsel for petitioner further contended that the justification sought to be put forth by authorities, namely, records require forensic examination, is merely a pretext to delay the matter and shield the erring official. It is further contended by him that the discrepancies in attendance register are apparent on the face of record and do not require any further verification, and the insistence on forensic examination amounts to an abdication of statutory responsibility.

6. It is further submitted by learned counsel for petitioner that such inaction has serious ramifications, as it undermines the integrity of public institutions and erodes public confidence in the administrative machinery. Learned counsel would contend that the failure of the authorities to act despite clear findings amounts to arbitrariness and is violative of Article 14 of the Constitution of India.

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*.

10. Pending application also stands disposed of.

(**Pankaj Purohit, J**.)
22.04.2026

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