2026:AHC:212543

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - C No. - 41096 of 2026

Smt. Husnbano

.....Petitioner(s)

Versus

State Of U.P. And 5 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Vinit Mishra
Counsel for Respondent(s)	:	C.S.C.

Court No. - 36

HON'BLE SAURABH SHYAM SHAMSHERY, J.

1. Heard Sri Vinit Mishra, learned counsel for petitioner and Sri Prabhakar Tripathi, learned Standing Counsel for State-Respondents.

2. In the present case petitioner's tenure as Gram Pradhan was over, however, in terms of Government Orders dated 25.05.2026 and 29.05.2026 she was exercising power as an Administrator.

3. Proceedings were initiated against petitioner under Section 95(1)(g) of U.P. Panchayat Raj Act, 1947 after her tenure as Pradhan was over and when she is exercising aforesaid powers that during her tenure she has committed financial irregularities.

4. A notice was issued to submit reply within a period of seven days which effectively remain only four days since notice was received at a later stage. Admittedly, no reply was submitted and impugned order was passed whereby administrative powers were seized and a liability of certain amount was determined.

5. Learned counsel for petitioner vehemently argued that not only the notice was issued without jurisdiction but inquiry was also not conducted in terms of relevant provisions. Otherwise also, a very short period was provided to submit reply. Even if no reply was filed, the authority concerned cannot accepted inquiry report only on a ground that no reply was filed, without application of independent mind.

6. Learned counsel lastly submitted that nature of inquiry would only be a preliminary for the purpose of imposing surcharge in terms of Section 27 of Act which requires an independent inquiry as per procedure prescribed, i.e., on basis of an audit report as well as that since tenure of petitioner has already over, therefore, at this stage she cannot be removed from the post of Administrator.

7. I have considered aforesaid submissions and perused the material available on record. It is not a case where petitioner has committed any irregularity after she took over as an Administrator, therefore, considering nature of inquiry as well as that proceedings of surcharge are still not initiated, the Court finds that by way of impugned order only a preliminary inquiry is conducted which could be a basis to initiate inquiry for determination of surcharge.

8. In view of above, impugned order dated 12.09.2026 is interfered only to extent of it's later part, whereby petitioner is removed from the post of Administrator and accordingly petitioner’s power as an Administrator is restored. So far as other argument is concerned, it may be considered as and when required, if proceedings for surcharge is initiated.

9. The writ petitions are accordingly disposed of.

October 9, 2026
AK

(Saurabh Shyam Shamshery,J.)

Digitally signed by :-
AWADESH KUMAR
High Court of Judicature at Allahabad