

(2001) 11 AHC CK 0034
In the Allahabad High Court
Case No : C.M.W.P. No. 36235 of 2001

Committee of Management, Adarsh Inter College, Basti and Another APPELLANT

Vs

District Inspector of Schools, Basti and Another RESPONDENT

Date of Decision : 21-11-2001

Acts Referred:

Uttar Pradesh Intermediate Education Act, 1921 — Section 16G(7), 6(7)

Citation : (2002) 1 AWC 211 : (2002) 1 UPLBEC 289

Hon'ble Judges : Anjani Kumar, J

Bench : Single Bench

Advocate : Govind Saran, for the Appellant;

Judgement

Anjani Kumar, J.—Heard learned counsel appearing on behalf of the petitioner and the learned standing counsel representing the State.

2. This writ petition has been filed by the committee of management with the prayer that respondent No. 1, District Inspector of Schools may be directed to take decision in accordance with the provisions of Section 16G (7) of the U.P. Intermediate Education Act, 1921.

3. Learned counsel for the petitioner contended that the committee of management suspended respondent No. 2, namely. Hari Shanker Shukla, the acting principal of the institution concerned vide its resolution dated 3.7.2001 and submitted the requisite papers, according to the averment made in the writ petition, on 4.7.2001. More than 60 days have passed, but no decision has been taken as yet by the District Inspector of Schools. The petitioner apprehends that in view of the provisions of sub-section (7) of Section 6 of the Act, the District Inspector of Schools may pass the order that since suspension has not been approved, the respondent No. 2 Hari Shanker Shukla shall be deemed to be continuing as teacher. In view of the decision of Full Bench of this Court, the District Inspector of Schools does not become functus officio even after expiry of 60 days as contemplated u/s 16G (7) of the Act and he can pass orders on the

proposal of the management even after 60 days.

4. In this view of the matter, a direction is Issued to the District Inspector of Schools, Basti, to take appropriate decision on the matter of approval of suspension pending before him with regard to the petitioner's institution within a period of one month from the date of presentation of a certified copy of this order before him.

5. With the aforesaid direction, the writ petition is finally disposed of.