

(2009) 07 AHC CK 0189

In the Allahabad High Court

Case No : Civil Miscellaneous Writ Petition No. 13793 of 1993

Kamla Shankar Dubey

APPELLANT

Vs

District Basic Education Officer, Mirzapur and others

RESPONDENT

Date of Decision : 02-07-2009

Acts Referred:

Citation : (2009) 07 AHC CK 0189

Hon'ble Judges : Rakesh Sharma, J

Final Decision : Allowed

Judgement

Rakesh Sharma, J.—Heard Shri Prakash Padia, learned Counsel for the petitioner and learned Standing Counsel.

2. Under challenge is the order dated 18.3.1993 passed by the respondent No. 2, Director of Education (Basic), U.P. Lucknow terminating the services of the petitioner w.e.f. the date of suspension, that is retrospective. The order is in violation of the principles of natural justice. The petitioner was deprived of opportunity of hearing. He was not supplied with the copy of the Enquiry Officer's report disenabling him to meet his case effectively during trial. The operation of the order has already been stayed by this Court while admitting the writ petition on 19.4.1993. The order of respondent No. 2 appears to be unjust, illegal and violative of principles of natural justice. Accordingly, the order dated 18.3.1993 passed by the respondent No. 2, Director of Education (Basic), U.P. Lucknow (Annexure 1 to the writ petition) is quashed. The writ petition is allowed.