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**(2001) 03 AHC CK 0121**  
**In the Allahabad High Court**  
**Case No : Special Appeal No. 356 of 2001**

Mahabir Singh Pundir

APPELLANT

Vs

District Inspector of Schools and Others

RESPONDENT

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**Date of Decision :** 27-03-2001

**Acts Referred:**

Constitution of India, 1950 — Article 226

**Citation :** (2001) 2 UPLBEC 1657

**Hon'ble Judges :** S.K. Sen, C.J; Ashish N. Trivedi, J

**Bench :** Division Bench

**Advocate :** R.G. Padia and Prakash Padia, for the Appellant; V.K. Shukla, for the Respondent

**Final Decision :** Disposed Of

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## Judgement

S.K. Sen, C.J. and Ashish N. Trivedi, J.—Heard Dr. R.G. Padia, learned Senior Advocate for the appellant, learned Standing Counsel for respondent No. 1 and Sri V.K. Shukla, learned Advocate for respondent Nos. 2 and 3.

2. This special appeal is directed against the order passed by the learned Single Judge wherein the petitioner has challenged the order of suspension dated 6.7.1999 which was subsequently disapproved by the District Inspector of Schools on 9.9.1999. Thereafter a resolution was passed on 5.12.1999 by the Committee of Management of the College to suspend the petitioner which was approved by the District Inspector of Schools on 11.1.2000. The contention of the writ petitioner-appellant was that no opportunity of hearing was given to him before the approval of suspension was granted and no reason had been given for approving the same. The District Inspector of Schools had earlier disapproved the, suspension of the petitioner on 9.9.1999 and as such his suspension cannot be approved again and there is no power of review. The Committee of Management was already dissolved and it was not in existence and as such, the order could not be approved.

3. The learned Single Judge has considered two distinguished decisions for the proposition that reasons have to be recorded. However, the learned Single Judge ultimately held in conclusion which is set out hereinbelow :

"However, in this case there are allegations and counter allegations. Once the DIOS had disapproved the resolution, in this circumstances it would have been better if detailed reasons had been given. In these circumstances, interest of justice would be met, in case both the parties are directed to appear before the District Inspector of Schools on 1.3.2001 on that date they may file the papers and the District Inspector of Schools may decide this matter expeditiously again without being influenced by any observation in this judgment.

With these observations this writ petition is disposed of.

4. It appears from the order that the learned Single Judge has directed the matter to be considered again by the District Inspector of Schools and had also great doubt about the validity of the order passed by him. The learned Single Judge also felt that both the parties should be given opportunity of hearing before the District Inspector of Schools on 1st March, 2001 and a reasoned order should be passed. In view of the aforesaid order being passed the earlier order passed by the District Inspector of Schools regarding approval of suspension could not be sustained.

5. The order passed by the learned Single Judge stands modified to the extent indicated above. We, however, felt that the District Inspector of Schools shall be at liberty to proceed afresh without being influenced by the order of the learned Single Judge as also of this Division Bench. The parties are directed to appear before the District Inspector of Schools on 6th April, 2001 at 12.00 noon and they shall be at liberty to produce such documents or to make such statements as they may be advised.

6. With the aforesaid observations, the special appeal is disposed of.