

(2009) 04 AHC CK 0756
In the Allahabad High Court

Matambar Mishra

APPELLANT

Vs

State of U.P.& Others

RESPONDENT

Date of Decision : 13-04-2009

Acts Referred:

Citation : (2009) 04 AHC CK 0756

Hon'ble Judges : Dilip Gupta, J

Final Decision : Dismissed

Judgement

Dilip Gupta, J.

The petitioner is aggrieved by the order dated 22nd August, 2008 by which he has been suspended pending enquiry.

The suspension order mentions that on the basis of an order dated 29th August, 2007 passed in Writ Petition No.3607 (S/S) of 2007 (Chandrika Prasad Singh Vs. The State of U.P. & Ors.) the Additional Secretary, Madhyamik Shiksha Parishad, Varanasi made available the records to the State Government whereafter it was found that some manipulation had been done in the records in respect of the verification of the marks and the petitioner was responsible for this.

Learned counsel for the petitioner submitted that in fact the petitioner had no role to play in the manipulation of the records and he has been suspended for ulterior motives merely because of the order dated 29th August, 2007 passed in the writ petition referred to above. In paragraph 38 of the writ petition, the petitioner has also stated that no charge sheet has been served upon the petitioner till date even though he has been suspended as far back on 22nd August, 2008.

It is not possible to quash the suspension order dated 22nd August, 2008 at this stage as it can only be established in the disciplinary proceedings whether the petitioner is responsible for the manipulation of record or not.

Learned Standing Counsel, however, states that in case the charge sheet has not

been served on the petitioner as yet, the same would be served upon him expeditiously and the enquiry shall also be concluded within a period of four months.

In view of the aforesaid, the Court declines to entertain the petition. However, the pending enquiry against the petitioner shall be concluded expeditiously after service of the charge sheet, preferably within four months from the date the order is served upon the disciplinary authority. Needless to say that the petitioner will cooperate in the enquiry and will not seek any unnecessary adjournment.

The writ petition is, accordingly, dismissed subject to the aforesaid observations.