
(2000) 02 AHC CK 0062
In the Allahabad High Court
Case No : Special Appeal No. 1012 of 1999

Principal, Rastriya Inter College, Mahrajganj and another	APPELLANT
Vs	
District Inspector of Schools, Mahrajganj and others	RESPONDENT

Date of Decision : 04-02-2000

Acts Referred:

Uttar Pradesh Intermediate Education Act, 1921 — Regulation 100, 31

Citation : (2000) 1 AWC 831 : (2000) 1 UPLBEC 707

Hon'ble Judges : N.K. Mitra, C.J;M. Katju, J

Bench : Division Bench

Advocate : Suresh Chandra Dwivedi, for the Appellant; K. Ajit, S.C., for the Respondent

Final Decision : Allowed

Judgement

M. Katju, J.—This Special Appeal has been filed against the impugned Judgment of the learned single Judge dated 10.9.1999. We have carefully perused the said judgment and find no infirmity in the same.

2. The respondent No. 3 in this appeal was a Daftary (peon) in the Rastriya Inter College, Bali Nichlaul. district Mahrajganj and he was dismissed by the Principal by order dated 8.7.1999 but the said order was disapproved by the District Inspector of Schools by his order dated 23/28.8.1999. Against that order of the District Inspector of Schools, the appellant filed a writ petition in this Court which was dismissed by the impugned judgment of the learned single Judge.

3. The short question in this case is whether prior approval/ permission from the District Inspector of Schools is necessary before dismissing a Class IV employee.

4. A learned single Judge of this Court (Hon"ble Alok Chakrabarti, J.) in Daya Shankar Tiwari Vs. Principal, Smt. Ramwanti Devi, Beni Madho Uchcharat Madhyamik Vidyalaya, Neegaon, Mirzapur and others, , has held that such prior approval is necessary. The learned single Judge has gone into the matter in great detail and has examined the relevant provisions in the U. P. Intermediate

Education Act as well as Regulations 31 and 100 of the Regulations made under the aforesaid Act.

5. We are in respectful agreement with the aforesaid decision of the learned single Judge in Daya Shanker Tewari's case. The decision of the Full Bench of this Court in Magadh Ram Yadav v. Dy. Director of Education and others. 1979 ALJ 1351. which is relied upon by the learned counsel for the appellant is, in our opinion, not applicable as it has not considered Regulations 31 and 100 of the U. P. Intermediate Education Regulation.

6. In view of the above, there is no merit in this appeal and it is accordingly dismissed.