
(2010) 07 AHC CK 0146
In the Allahabad High Court
Case No : Special Appeal No. 1116 of 2010

Vipin Chauhan

APPELLANT

Vs

State of U.P. and Others

RESPONDENT

Date of Decision : 16-07-2010

Acts Referred:

Citation : (2010) 07 AHC CK 0146

Hon'ble Judges : R.K. Agrawal, J;Abhinava Upadhya, J

Bench : Division Bench

Advocate : Aditya Rana, for the Appellant; C.S.C., for the Respondent

Final Decision : Dismissed

Judgement

1. The present appeal has been filed against the judgment and order dated 22.6.2010 passed by the learned single Judge whereby the writ petition preferred by the present appellant has been dismissed. In the writ petition, the order of suspension has been challenged. The learned single Judge after going through the order of suspension did not find any good ground to interfere in the matter as the charges levelled are serious.

2. We have heard Sri Anil Tewari, learned Counsel appearing for the appellant and have perused the judgment and order dated 22.6.2010 passed by the learned single Judge giving rise to the present appeal and the documents filed along with it.

3. Sri Anil Tewari, learned Counsel submitted that the District Basic Education Officer, who had placed the appellant under suspension in view of the F.I.R. regarding certain incident and which has also been made one of the basis for passing the impugned suspension order. He submitted that in the writ petition preferred against lodging of the FIR, the arrest has been stayed by this Court and, therefore, the appellant could not have been placed under suspension. He further submitted that other grounds on which the appellant has been placed under suspension is non-existent as no inspection was made and further the

appellant was on election duty during the relevant period. In the alternative, he submitted that the appellant should be given this much of consideration that a fair enquiry be conducted in the matter.

4. We have given our thoughtful consideration to the various pleas raised by the learned Counsel for the appellant and are of the considered opinion that merely because in the writ petition preferred against the lodging of the FIR, arrest has been stayed would not mean that the incident did not occur and that is yet to be adjudicated upon and will not make the suspension order illegal or invalid. So far as the other charges regarding non-production of the documents are concerned, we may make it clear that if it is proved may entail major penalty. Therefore, the suspension order can not be interfered with at this stage.

5. So far as the enquiry is concerned, we are of the considered opinion tht the petitioner appellant may in this connection approach the Assistant Director, Basic Shiksha, who will appoint another Enquiry Officer, who will complete the enquiry expeditiously in accordance with law.

6. Subject to the aforesaid observations, the appeal fails and is dismissed.