

IN THE HIGH COURT OF UTTARANCHAL AT
NAINITAL

WRIT PETITION NO. 195 (SS) OF 2001

Sri Ashok Mishra,
S/o Shri Sarjan Misra,
R/o Court Road Kashipur,
District Udham Singh Nagar.Petitioner.

Versus

1. Director of Education Uttaranchal, Camp Office Dehradun.
 2. Addl. Director of Education, Uttaranchal, Dehradun.
 3. Assistant Director or Education (Basic Education), Kumaon Region, Nainital.
 4. District Basic Education Officer, Udham Singh Nagar.
-Respondents.

*Mr. Manoj Tiwari, Advocate for the petitioners.
Learned Standing Counsel for the respondents.*

Dated: 31.03.2006

Hon'ble Rajesh Tandon, J.

By the present writ petition, the petitioner has prayed for a writ of certiorari quashing the impugned order dated 09.02.2001 passed by the respondent no. 1. Further prayer has been made for a writ of mandamus restraining the respondents from interfering with the functioning of the petitioner as Asstt. Basic Education Officer, Jaspur and directing the respondents not to harass the petitioner in any manner whatsoever.

Briefly stated, the petitioner was initially appointed as Deputy Inspector of Schools in the Basic Shiksha Parishad

U.P. w.e.f. 17.04.1984 and he was posted at Sialde. At the time of the filing of the writ petition, there was no interim order.

In case, the inquiry has already been completed, the disciplinary authority may pass final order. However, in case the inquiry is still pending, the same may be completed within a period of four months from the date of presentation of the certified copy of the order.

A counter affidavit has been filed and from the perusal of which, it appears that the charge sheet has already been submitted.

In view of that, the disciplinary Authority is directed to pass final order within a period of four months, in case the inquiry is still pending, liberty is given to the petitioner to apply for the revocation of the suspension order.

Writ Petition is disposed of. No order as to costs.

(Rajesh Tandon, J.)

31.03.2006

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