



2026:AHC:10124

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - A No. - 16694 of 2025

Mrs Rinkee Jaiswal

.....Petitioner(s)

Versus

State Of U.P. And 3 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Om Prakash Yadav, Sr. Advocate
Counsel for Respondent(s)	:	C.S.C.

Court No. - 33

HON'BLE VIKAS BUDHWAR, J.

1. Heard Sri Ashok Khare, learned Senior Counsel assisted by Sri Om Prakash Yadv, learned counsel for the writ petitioner and Sri S.K. Pal, learned Addl. Chief Standing Counsel for the State.

2. A statement has been made by Sri S.K. Pal, learned Addl. Chief Standing Counsel that he is well equipped with the instructions and is in a position to argue the case. He does not propose to file any counter affidavit and he further submits that the writ petition be decided on the basis of the documents available on record.

3. With the consent of the parties, the writ petition is being decided at the fresh stage.

4. The case of the writ petitioner is that she was appointed on the post of Sub Divisional Magistrate in the month of July 2011 at Allahabad. It is the case of the writ petitioner that in the year 2018, the petitioner was appointed as Deputy Secretary, U.P. Subordinate Service Selection Commission Lucknow and she took charge on 23.05.2018 and she worked till 06.01.2020 and thereafter by virtue of the order dated 01.01.2020 w.e.f. 07.01.2020 she was transferred and took charge on the post of Deputy Director, Mandi Parishad and vide order dated 05.06.2023, the petitioner was transferred and posted as Addl. District Magistrate (Land Acquisition) Kanpur Nagar. While the writ petitioner was posted as Addl. District Magistrate (Land Acquisition) Kanpur Nagar, she has been placed under suspension on 09.01.2025 under the signatures of the Special Secretary, State of U.P. on an allegation that when the application was posted as Deputy Secretary, U.P. Subordinate Service Selection Commission, Lucknow, then she had exhibited a conduct

which was unbecoming from a Government Servant, particularly when the selection stood conducted by the Commission vide Advertisement No.02/Exam of 2018 by the Chairman, U.P. Subordinate Service Selection Commission, Lucknow for recruitment on the post of Gram Vikas Adhikari (Social Welfare) and Supervisor (Social Welfare), Supervisor (Samanya Chayan) 2018, then the writ petitioner was not vigilant and did not keep the digitized scanned files of OMR sheets in proper manner. Pursuant whereunto, there was a leakage in the selection proceedings.

5. Questioning the order dated 09.01.2025, present petition has been preferred.

6. This Court entertained the petition on 11.11.2025, wherein the following order has been passed:-

"1. Contention of learned counsel for the writ petitioner is that the writ petitioner is Addl. District Magistrate (Land Revenue) and while he was posted in the Commission, there happened to be certain discrepancy with respect to OMR Sheet on the basis of the allegation that the writ petitioner while posted as Deputy Secretary in U.P. Subordinate Service Commission had not performed the duties, which he was required for conserving and keeping the OMR Sheet, which entailed passing of suspension order.

2. Learned counsel for the writ petitioner submits that on 09.01.2025, the writ petitioner was suspended and a charge-sheet came to be issued on 25.03.2025 and reply to the same has been submitted on 29.09.2025.

3. Sri Gaurav Singh, learned Standing Counsel seeks time to obtain instructions in the matter.

4. Put up this case on 24.11.2025, as fresh."

7. Thereafter on 24.11.2025, following orders were passed:-

"1. Post-passing of the order dated 11.11.2025, instructions have been forwarded dated 21.11.2025, which refers to show-cause notice and the enquiry report, but the same has not been appended with the instructions.

2. Sri Pramod Kumar Srivastava, learned Addl. Chief Standing Counsel seeks further time to obtain instructions.

3. Put up this case on 01.12.2025, as fresh."

8. On 01.12.2025, the following orders were passed:-

"1. Instructions filed today is taken on record as Appendix 'B'.

2. On 11.11.2025, following order has been passed:

"1. Contention of learned counsel for the writ petitioner is that the writ petitioner is Addl. District Magistrate (Land Revenue) and while he was posted in the Commission, there happened to be certain discrepancy with respect to OMR Sheet on the basis of the allegation that the writ petitioner while posted as Deputy Secretary in U.P. Subordinate Service Commission had not performed the duties, which he was required for conserving and keeping the OMR Sheet, which entailed passing of suspension order.

2. Learned counsel for the writ petitioner submits that on 09.01.2025, the writ petitioner was suspended and a charge-sheet came to be issued on 25.03.2025 and reply to the same has been submitted on 29.09.2025.

3. Sri Gaurav Singh, learned Standing Counsel seeks time to obtain instructions in the matter.

4. Put up this case on 24.11.2025, as fresh."

3. Instructions filed today do not depict the circumstances showing the lapse of six years. The allegation pertains to the selection pursuant to the advertisement in the year 2018 and the charge sheet against the writ petitioner has been issued in the year 2025.

4. On a pointed query so made, Ms. Archana Tyagi, learned Standing Counsel seeks time to obtain complete instructions.

5. Put up as fresh on 17.12.2025."

9. Learned Senior Counsel has sought to argue that though the writ petitioner has been placed under suspension on 09.01.2025 and a charge sheet came to be served upon the writ petitioner on 20.05.2025 and the writ petitioner tendered his reply on 29.09.2025, but till date a departmental proceedings has not been concluded. Submission is that a bare perusal of the allegations contained in the suspension order as well as in the charge sheet, it would reveal that it is with respect to the posting of the writ petitioner as Deputy Secretary in U.P. Subordinate Service Selection Commission referable to the selection held in the year 2018. Argument is that it was not open for the respondents to conduct an inquiry proceedings with respect to stale charges that too after a period of seven years. Contention is that the allegations referable to non-upkeep of OMR sheet etc are the allegations of the year 2018, but the charge sheet has been served in the year 2025. Further submission is that the writ petitioner was vigilant in her duty. He further submits that the Tata Consultancy Service (TCS) is the outsourcing agency and there was no question of violating the grounds as prescribed therein. He further submits that the writ petitioner is not shy to face the departmental proceedings and further there is no material available on record against the writ petitioner. Further submission is that even if the said allegations are

taken into its face value, then the suspension order cannot be sustained, particularly when, at best minor penalty can be imposed and not the major penalty.

10. Sri S.K. Pal, learned Addl. Chief Standing Counsel on the other hand submits that whatever might be, the arguments so sought to be raised by the learned Senior Counsel for the writ petitioner that the charges are stale and the departmental proceedings cannot be conducted post passing of seven years, has no merit, particularly when already investigation and inquiry was conducted with regard to non-upkeep of the OMR sheet and further he has invited the attention of the Court towards the communication dated 16.04.2025 showing the sequence of the events. He however submits that though the suspension order may be set aside, but the inquiry be directed to be conducted within the time stipulated by this Court and the writ petitioner be not given a license or liberty to prolong the said proceedings.

11. I have heard the submissions so made across the Bar and perused the records carefully.

12. Facts are not in issue. It is not in issue that the allegations so contained in the suspension order as well as in the charge sheet are relatable to the proceedings of the writ petitioner from 23.05.2018 to 06.01.2020, as Deputy Secretary, U.P. Subordinate Service Selection Commission, U.P. Lucknow. Thereafter, by virtue of the order dated 01.01.2020 w.e.f. 07.01.2020, the writ petitioner took charge as Deputy Director, Mandi Parishad, Headquarter Lucknow and vide order dated 05.06.2023, she has been posted as Addl. District Magistrate (Land Acquisition), Kanpur Nagar. Though there are allegations that the writ petitioner had committed misconduct by not keeping the secrecy of the OMR sheet is concerned, but looking into the over all facts and circumstances as well as the fact that the writ petitioner has been suspended with respect to the allegations of the year 2018 and he is not presently posted as Deputy Secretary of the U.P. Subordinate Service Commission, thus continuance of suspension is not justified. Further the Court finds that there is nothing on record that post-submission of reply to charge sheet on 29.09.2025, the writ petitioner was avoiding participating in the inquiry. Accordingly, the writ petition is being decided in the following terms:-

(a) The order dated 09.01.2025 passed by the Special Secretary, Government

of U.P. Lucknow is set aside.

(b) Since a charge sheet has already been issued to which the writ petitioner has tendered his reply on 29.09.2025, thus the disciplinary proceeding shall be concluded within a period of three months from the date of production of certified copy of the order, say by 31.03.2026.

13. Sri Ashok Khare, learned Senior Counsel assisted by Sri Om Prakash Yadav, learned counsel for the writ petitioner has made a statement at Bar that the writ petitioner shall not take adjournment and shall participate in the inquiry proceedings.

14. The writ petitioner shall be paid subsistence allowance for the period from 09.01.2025 till the passing of the order today, subject to fulfillment of the Rules. In case, the writ petitioner does not participate in the inquiry and takes undue adjournments, then the inquiry officer, Disciplinary Authority shall proceed with the inquiry and conclude the same within the said period.

15. With the aforesaid observations, the writ petition stands **disposed of**.

16. Instructions filed today are taken on record and marked as Appendix 'C'.

January 14, 2026

N.S.Rathour

(Vikas Budhwar,J.)