



2026:AHC:13507

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - A No. - 111 of 2026

Baliram

.....Petitioner(s)

Versus

State Of Uttar Pradesh And 2 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Siddharth Khare, Sr. Advocate
Counsel for Respondent(s)	:	C.S.C.

Court No. - 33

HON'BLE VIKAS BUDHWAR, J.

1. Heard Sri Ashok Khare, Senior Advocate assisted by Shri Himanshu Singh (A/H 0277/2019) holding brief of Sri Siddharth Khare, learned counsel for the petitioner and Sri R.S Umrao, learned Standing Counsel, who appears for State-respondents.

2. The counsel for the rival parties have made a joint statement that they do not propose to file any further affidavits thus with the consent of the parties, writ petition is being decided at the fresh stage.

3. The case of the writ petitioner is that he was directly recruited and posted on the post of Sub Deputy Inspector of Schools in the year 2006. The same stood re-designated as Block Education Officer. It is also the case of the writ petitioner that he has been transferred from one place to another and since February 2022, the writ petitioner was posted in District Mau. While the writ petitioner was posted as Block Education Officer, Development Block Badraon *vide* order 04.04.2025, he was transferred and posted at Development Block Pardaha, the writ petitioner on 04.04.2025 joined at Development Block Pardaha and shortly after such posting, the Basic Shiksha Adhikari issued a show cause notice dated 28.04.2025 requiring the writ petitioner to submit reply with regard to certain allegations. The writ petitioner tendered his reply on 01.05.2025. Thereafter again the Basic Shiksha Adhikari issued another notice dated 06.05.2025 show causing the writ petitioner to submit reply to which the writ petitioner tender the reply on 13.05.2025. Thereafter an order came to be passed on 10.06.2025 by the Basic Shiksha Adhikari transferring the writ petitioner from Development Block Pardaha to Development Block Dohrighat. Pursuant to

the said transfer order, the writ petitioner joined Development Block Dohrighat and started discharging the duties. Thereafter while the writ petitioner was working, an order was passed by the Basic Shiksha Adhikari, Mau on 04.09.2025 attaching the writ petitioner to the Headquarters with further direction for assumption of charge of Development Block Dohrighat by one Mukesh Kumar as additional charge. The writ petitioner questioning the said order while filing Writ-A No. 14196 of 2025 (Baliram v. State of U.P. and others) which came to be disposed of on 19.09.2025 requiring the respondents to decide the claim of the writ petitioner. The writ petitioner preferred a representation on 29.09.2025 and thereafter Contempt Application (Civil) No. 7274 of 2025 in which notices were issued on 15.12.2025 and thereafter on 18.12.2025, the writ petitioner had been placed under suspension and contemplation of the inquiry by the Additional Director of Education (Basic), U.P., Prayagraj.

4. Questioning the same, the writ petitioner has been filed the present writ petition.

5. Learned Senior Counsel for the writ petitioner has submitted that the impugned order cannot be sustained for the simple reason that the writ petitioner has not committed misconduct so as to give a handle to the respondents to place the writ petitioner under suspension. Submission is that the Basic Shiksha Adhikari bore animosity against the writ petitioner, particularly, when the writ petitioner had preferred Writ-A No. 14196 of 2025 (Baliram v. State of U.P. and others) which came to be disposed of on 19.09.2025 and since the order of the writ court was not complied so the writ petitioner preferred Contempt Application (Civil) No. 7274 of 2025 in which notices were issued which became the basis for suspension of the writ petitioner. Learned Senior Counsel for the writ petitioner further submits that the writ petitioner has not been misappropriated and committed irregularity so as to alleged in the order impugned. He submits that there had been illegal deductions made to the composite grant to the 10% and under different headings to 40% is misconceived. Submission is that the writ petitioner had at no point of time even indulged into illegal gratification and extortion. However, the entire state machinery is against the writ petitioner. Learned Senior Counsel for the writ petitioner has sought to argue that even the show cause notice so issued to the writ petitioner on 28.04.2025 containing the same allegations to which the writ petitioner had given a reply. He further submits that the writ petitioner has not been committed any

misconduct and he is not shy to face the departmental proceedings but the suspension be revoked.

6. Sri R.S Umrao, learned Standing Counsel on the other hand submits that there are serious and grave charges leveled against the writ petitioner which became the basis for suspending the petitioner. He further submits that the petitioner indulged in illegal gratification and extortion of money and further unnecessary deduction had been made in composite grant in order to deny the benefits to the actual beneficiaries. According to him, allegations contained in the show cause notice dated 28.04.2025 are different and so far as the allegations which are made the basis for suspension is concerned and a fact finding inquiry stood conducted and the report was submitted by the District Magistrate, Mau to the Director General, School Education on 06.10.2025. He submits that there happens to be complainants alleging misconduct of the Commission.

7. I have heard learned counsel for the parties and gone through the records carefully.

8. Facts are not in issue. It is not in issue that the writ petitioner's services is governed under the provisions contained under U.P. Government Servant (Discipline and Appeal) Rules, 1999. It is also not in dispute that he has been placed under suspension by the authority subordinate to the appointing/disciplinary authority. *Prima facie*, the Court finds that there are serious allegations which were made the basis for suspending the petitioner. This Court in exercise of Article 226 of the Constitution of India is not required to delve into the factual aspects while conducting a roving and fishing inquiry as the same is subject matter of departmental inquiry. The allegations so sought to be leveled against the petitioner are for demanding illegal gratification and also reduction in the composite grant 10% and other under being 40%.

9. The instructions so produced today under the signatures of Additional Director of Education (Basic), U.P., Prayagraj dated 13.01.2026 annexes the fact finding inquiry report dated 06.10.2025 and individual complaint against the petitioner. It is not a case that the suspension order has been passed without any basis.

10. Nonetheless, the allegations made in the show cause notice dated 28.04.2025 contained different allegations *vis-a-vis* the allegations which are

being levelled in the suspension order. Thus, this Court does not find the present case to be a fit case for interference under Article 226 of the Constitution of India.

11. Accordingly, the writ petition is being decided in the following manner:

(a) The interference with the suspension order dated 18.12.2025 passed by the Additional Director of Education (Basic), U.P., Prayagraj is declined.

12. Leaving it open for the disciplinary authority to conclude the departmental proceedings within a period of three months from the date of presentation of the certified copy of the order.

13. The writ petitioner shall participate in the proceedings and shall be made admissible to the subsistence allowances as per the rules.

14. Accordingly, the writ petition stands **disposed of**.

15. Instructions filed today are taken on record as marked as appendix A & B.

January 20, 2026

A. Prajapati

(Vikas Budhwar,J.)