



2026:AHC:25874

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - A No. - 530 of 2026

Digvijay Singh

.....Petitioner(s)

Versus

State Of U.P. And 3 Others

.....Respondent(s)

Counsel for Petitioner(s)	: Ajay Mishra, Ashish Kumar Mishra, Sr. Advocate
Counsel for Respondent(s)	: C.S.C., Shivendra Kumar Singh

Court No. - 33

HON'BLE VIKAS BUDHWAR, J.

1. Heard Sri Ajay Mishra, learned counsel for the writ petitioner as well as Sri Abhishek Srivastava, learned Additional Chief Standing Counsel and Sri Shivendra Kumar Singh, learned counsel for respondent no. 4.

2. Learned ACSC has made a statement at bar that he is possessed with the instructions and he is in a position to argue the matter and he does not propose to file any affidavit, the writ petition be decided on the basis of the documents available on record. With the consent of the parties, the writ petition is being decided at the fresh stage.

3. The case of the writ petitioner is that he was appointed on the post of Block Education Officer in the year 2006 and while the writ petitioner was posted as Block Education Officer, Block Khand Kunthauda, District Jalaun. The writ petitioner has been placed under suspension on 30.12.2025 by Additional Education Director (Basic), Uttar Pradesh at Prayagraj, second respondent.

4. Questioning the suspension order, the present writ petition has been preferred.

5. Learned counsel for the writ petitioner has sought to argue that the impugned suspension order cannot be sustained for more than one reason. Submission is that the para 1 of the impugned suspension order would reveal that the same has been passed at the behest of the District Basic Education Officer, Jalaun who had recommended suspension of the

petitioner on 29.08.2025. He submits that there has been no independent application of mind at the end of the appointing authority and merely on the basis of the letter dated 29.08.2025, the writ petitioner has been placed under suspension. Further submission is that even otherwise taking the allegations to their face value, no major penalty can be imposed imposed, thus, the writ petitioner cannot be placed under suspension in view of the provisions contained under Rule 7 of the UP Government Servant (Discipline and Appeal) Rules, 1999. Learned counsel for the writ petitioner further submits that the writ petitioner has not committed any misconduct and, thus, the suspension order be set aside and he is not shy to face the departmental proceedings but the suspension order be set aside.

6. Learned Additional Chief Standing Counsel while countering the submission so made by the learned counsel for the writ petitioner has submitted that a perusal of the suspension order would reveal that the appointing authority being the respondent no. 2 based upon the letter dated 29.08.2025 of the District Basic Education Officer, he had applied an independent mind and thereafter, proceeded to pass the suspension order. Submission is that the charges so levelled against the writ petitioner are grave in nature particularly when the writ petitioner being the Block Education Officer is not only to associate himself in the inspection but also to provide the inputs which have been required. He submits that the charges are so grave that even otherwise it is apparent that the writ petitioner was to upload the details of the students being 2779 in number but he had only uploaded the details of 432 students. He further submits that in view of the Government Order dated 28.06.2025, the writ petitioner was being a Block Education Officer had to do the exercise of pairing between the two institutions but on account of an error committed by the writ petitioner that was not done. Further submission is that with respect to Mid Day Meal, the consumption/utilization certificate was not submitted and in some cases, it was beyond 8 months. According to him, allegations is that the writ petitioner did not perform the duties which he was required to perform. He, thus, submits that there are allegations

against the writ petitioner and now charge sheet stands issued to the writ petitioner on 03.02.2026.

7. I have heard the submission so made across the bar and perused the record.

8. Apparently, the writ petitioner happens to be the Block Education Officer. It is not in dispute that the writ petitioner is governed under the provisions contained under the UP Government Servant (Discipline and Appeal) Rules, 1999. It is also not the case of the writ petitioner that he has been placed under suspension by an authority who is not competent to suspend. The allegation of the writ petitioner is that the suspension order has been passed without independent application of mind by the Additional Education Director (Basic), Uttar Pradesh, Prayagraj. In order to test the said submission, what would be required would be the recitals contained in the suspension order dated 30.12.2025. Importantly, the first paragraph of the suspension order recites that there happens to be a report of the District Basic Education Officer, Jalaun dated 29.09.2025. Plainly and simply, the theory of behest and dictates is only applicable in those contingencies when a superior authority directs the authorities subordinate to him to pass an order but the said principle nowhere applies when the converse position is there. Here, the Court finds that though there happens to be inputs by way of the document dated 29.08.2025 of the District Basic Education Officer which was on the table before the Additional Education Director (Basic) but the same cannot be said to be dictates or behest particularly when the charges and the allegations so levelled upon the writ petitioner have been narrated. Obviously, the Court at the stage of challenge raised to the suspension order is not required to delve into the merits of the charges as what would be required is the fact that there should be some material so as to be a factor to be taken into consideration by the appointing authority while taking a decision whether it is a case of suspension or not. Thus, this Court is not required to delve into the merits of the charges, however, the Court finds that there was materials available with the authority while placing the writ petitioner under suspension.

9. Moreso, the instructions dated 04.02.2026 so produced before this Court there happens to be a charge sheet dated 03.02.2026. Now, the writ petitioner to contest the said proceedings. As regards the reliance placed upon the judgment of the Coordinate Bench in Writ-A No. 13339 of 2025 decided on 16.01.2026 is concerned, there is no quarrel to the said proposition of law but the facts are somewhere distinguishable.

10. Accordingly, interference is declined, the writ petition stands **disposed of**. Respondent no. 2 is directed to get the disciplinary proceedings concluded within a period of three months from today. Since the copy of the instructions along with the charge sheet is being served upon the learned counsel for the writ petitioner during the course of the day. It would be deemed that the writ petitioner had full knowledge about the charge sheet subject to the cooperation of the writ petitioner, the departmental proceedings would be concluded within a period of three months. The writ petitioner shall be paid subsistence allowance in that regard. In case, the departmental proceedings are not concluded within a period of three months that too without there being any fault of the writ petitioner then the writ petitioner has opportunity to again approach the Court for revocation of the suspension order.

11. Instructions filed today are taken on record and marked as Appendix 'B'.

(Vikas Budhwar,J.)

February 5, 2026

Rajesh