



2026:AHC:57884-DB

HIGH COURT OF JUDICATURE AT ALLAHABAD

SPECIAL APPEAL No. - 318 of 2026

Smt. Suman Rao

.....Appellant(s)

Versus

Kusum Devi And 6 Others

.....Respondent(s)

Counsel for Appellant(s)	:	Tanuj Shahi
Counsel for Respondent(s)	:	Ashish Kumar (Nagvanshi), C.S.C., Ramesh Chandra Dwivedi, Shesh Kumar Srivastava

Court No. - 3

HON'BLE SAUMITRA DAYAL SINGH, J.

HON'BLE VIVEK SARAN, J.

1. Heard Sri Tanuj Shahi, learned counsel for the appellant, Sri Ramesh Chandra Dwivedi, learned counsel for the original petitioner/respondents, Sri Ashish Kumar (Nagvanshi), learned counsel for the Board, Ms. Beena Mishra, learned Advocate holding brief of Sri Shesh Kumar Srivastava, learned counsel for the respondent nos.4 and 5 and Sri Rajiv Gupta, learned Chief Standing Counsel for the State.

2. Submission is once the petition was described as non-maintainable by the writ court, no jurisdiction may have survived with the court to call for any report or to pass any other or further order.

3. On the other hand, learned counsel for the complainant petitioner/respondent would refer to the facts arising from the earlier decision of the writ court in **Garima Singh v. State of U.P. and Others, 2026 SCC Online All 159** wherein a direction had been issued for conduct of proper enquiry. Special Appeal filed thereagainst being **Garima Singh v. State of U.P. and 2 Others, 2026:AHC:48246-DB** has been dismissed by our earlier order dated 10.03.2026.

4. Thereafter, he has also referred to order of the co-ordinate bench in **Ram Darash Singh v. Ganga Prasad Yadav and Others, 2011:AHC:84132-DB** wherein action of enquiry was upheld after 35 years of service rendered.

5. Having heard learned counsel for the parties and having perused the record, we may note that in **Garima Singh (supra)** the writ court had issued following directions:

"11. The Principal Secretary shall ensure that appropriate action, strictly in accordance with law, is taken against all such teachers who have obtained appointment by playing fraud upon the authorities, including cancellation of appointments and recovery of salary, wherever permissible. Simultaneously, stringent disciplinary and penal action shall also be initiated against those officials who are found to have colluded with, abetted, or deliberately ignored such fraudulent appointments. The entire exercise shall be completed expeditiously, preferably within a period of six months from the date of receipt of a certified copy of this order."

6. Whatever be the fate of that enquiry, the present petition was filed by original petitioner/respondent, namely Kusum Devi, for the following relief only:

"I) Issue a writ, order or direction in the nature of certiorari quashing the impugned order dated 20.07.2025 passed by the Examination Controller, Sanpurnanad Sanskrit Vishwavidyalaya, Varanasi, the respondent no.4.

II) Issue a writ, order, rule of direction in the nature of interim mandamus directing the respondent authorities specially respondent no.4, to consider the claim of petitioner and cancelled the degree of Shahtri Course of respondent no.7, within a stipulated period as fixed by this Hon'ble Court;

III) Issue any other writ, order or direction which this Hon'ble Court may deem fit and proper in the circumstances of the Case;

IV) to Award the cost to the petitioner."

7. Thus, no direction was sought with respect to the report that may have been submitted in Garima Singh (supra). In such facts the writ court has categorically observed thus

"Though, it is the complainant's petition, which is not maintainable."

9. Once that observation had been made by the writ court on a complainant's petition, that it is not maintainable, it may not have survived further to the writ court to make any observation or invite any report etc.

10. Undeniably the writ petition is not in the nature of Public Interest Litigation. Also undeniably the writ court was not holding jurisdiction to deal with Public Interest Litigation.

11. In view of the above, error of principle may have crept in the order of

the learned single judge to the extent it has been observed thereafter-

"However, as this Court has already passed an order dated 22.01.2026 in Writ-A No. 19634 of 2025 (Garima Singh v. State of U.P. and 2 Others), wherein a direction was issued to the Principal Secretary, Department of Basic Education, Government of Uttar Pradesh, Lucknow, to take action against such appointments obtained by playing fraud, as well as against the officials involved in such appointments, thus, in the interest of justice, let an inquiry be conducted in the present matter also and a report be placed before this Court by the next date.

Put up this case on 09th March, 2026, as fresh."

12. The fact that in the **Ram Darash Singh (supra)**, certain enquiry had been ordered after lapse of time may not engage our attention any further inasmuch as the writ petition has been found to be not maintainable by the writ court itself. We are only concerned with the sustainability of the observations made thereafter and the continuance of the writ proceedings after holding the same to be not maintainable. Accordingly, the ratio in **Ram Darash Singh (supra)** has no application to the issue at hand.

13. Accordingly, the appeal is **allowed**. All observations made by the writ court after holding the writ petition to be not maintainable are expunged. The writ petition stands **dismissed** as not maintainable.

March 20, 2026
Deepika

(Vivek Saran,J.) (Saumitra Dayal Singh,J.)