



2026:AHC:55148

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - A No. - 3521 of 2026

Committee Of Management, Krishak Uchchatar
Madhyamik Vidyalaya, Sisai And Another

.....Petitioner(s)

Versus

State Of Up And 9 Others

.....Respondent(s)

Counsel for Petitioner(s) : Manish Nath Tripathi, Pankaj Kumar
Shukla

Counsel for Respondent(s) : C.S.C., Shivendu Ojha

Court No. - 32

HON'BLE SAURABH SHYAM SHAMSHERY, J.

1. Heard Sri Prabhakar Awasthi, learned Senior Advocate assisted by Sri Manish Nath Tripathi, learned counsel for petitioners and Sri R.K. Ojha, learned Senior Advocate assisted by Sri Jigar Khare, Advocate for private respondents.

2. In the present case the order dated 27.01.2026 passed by District Basic Education Officer, Deoria is under challenge, whereby it was directed that in case salary is not paid to Respondents-8 and 9 (Sri Sanjay Kumar Pandey and Sri Sahbaz Khan, respectively), their salary be paid by single operation.

3. In impugned order, though no reference is made so far as salary of Respondent-10 (Sri Om Prakash Maurya) is concerned, still an order was passed with regard to him also as well as a reference is made that presently no Committee of Management is in force.

4. Learned Senior Advocate appearing for petitioners made serious objection to impugned order on ground that District Basic Education Officer, Deoria has no jurisdiction to make comment, whether Committee of Management is in existence or not. Otherwise also a fresh election has already been conducted and papers were forwarded to District Inspector of Schools/ Regional Level Committee concerned but till date no decision has been taken.

5. Learned Senior Advocate further submits that disciplinary proceedings were initiated against Respondents-8, 9 and 10 and a proposal of termination of their services is passed and matter is now referred to District Inspector of Schools concerned, however, no decision has been taken till date.

6. Learned Senior Advocate further submits that so far as issue with regard to Officiating Principal is concerned, it was already settled and Sri Prakash Pandey was granted post of Officiating Principal.

7. At this stage, learned Senior Advocate appearing for private respondents submits that there is a challenge to said order, therefore, this Court may not enter into said controversy.

8. I have considered the above submissions and perused the material available on record.

9. So far as election of Committee of Management is concerned, since papers have already been forwarded to District Inspector of Schools/ Regional Level Committee concerned, they shall take an appropriate decision within a period of 15 days from today.

10. The second issue is with regard to proposal of termination so far as Respondents-8, 9 and 10 is concerned. If proposal is already forwarded to District Inspector of Schools concerned, he will take a final decision after hearing concerned parties within a period of three weeks from today, without being influenced by any observation made in impugned order.

11. Now the third issue is with regard to payment of salary to Respondents-8, 9 and 10, which shall remain subject to outcome of final decision on proposal of their termination.

12. In case Committee of Management under proper proposal of Officiating Principal sent salary bills of Respondents-8, 9 and 10, there will be no need of any single operation and payment shall remain subject to outcome of consideration on proposal of termination.

13. At this stage, learned Senior Advocate for private respondents has raised a legal objection that issue of proposal of termination of Respondents-8, 9 and 10 may be kept open, whether Committee of Management has jurisdiction or not.

14. The Court finds that aforesaid issue can be raised before concerned respondent.

15. With aforesaid observations / directions, the writ petition is disposed of.

(Saurabh Shyam Shamshery,J.)

March 18, 2026

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