



2026:AHC:66683

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - A No. - 4278 of 2026

Smt. Suman

.....Petitioner(s)

Versus

State Of U.P. And 3 Others

.....Respondent(s)

Counsel for Petitioner(s)	: Raj Kumar Dhama, Samarath Singh
Counsel for Respondent(s)	: C.S.C., Yatindra

Court No. - 52

HON'BLE MRS. MANJU RANI CHAUHAN, J.

Heard learned counsel for the petitioner, learned Standing Counsel for the State-respondent and Mr. Yatindra, learned counsel appearing on behalf of respondents 2, 3 and 4.

This petition has been filed challenging the impugned suspension order dated 11.3.2026, passed by District Basic Education Officer, Shamli and a further prayer has been made to reinstate the petitioner on the post on which she was working before passing of the impugned order and to not interfere with her in peaceful functioning on the said post.

Learned counsel for the petitioner submits that the petitioner, who was working as In-charge Head Master, has been placed under suspension on the basis of three charges, which are as follows:

"श्रीमती सुमन, प्रभारी प्रधानाध्यापिका (प्रा०वि० एलम-3, विकास क्षेत्र कांधला, शामली) को आयोग के महत्वपूर्ण कार्यों हेतु बी०एल०ओ० (BLO) के रूप में दायित्व सौंपे गए थे। उक्त आदेश 16476-82/2025-26 दिनांक 05.02.2026 द्वारा भारत निर्वाचन के अनुक्रम में संबंधित अध्यापिका द्वारा अध्यापिका द्वारा निम्नलिखित गंभीर कदाचार किए गए हैं:

1. निर्वाचन कार्य की अवहेलना: जनहित और संवैधानिक बाध्यता के बावजूद निर्वाचन जैसे अति-महत्वपूर्ण कार्य को करने से स्पष्ट इंकार करना, जो लोक प्रतिनिधित्व अधिनियम, 1950 की धारा 32 एवं लोक प्रतिनिधित्व अधिनियम, 1951 की धारा 134 के अंतर्गत एक दहनीय अपराध है।
2. घोर अनुशासनहीनता एवं दुर्यवहार: इस संबंध में उच्चाधिकारियों द्वारा दूरभाष पर दिए गए निर्देशों की अवहेलना करना तथा उनके साथ अमर्यादित एवं अभद्र भाषा (Misconduct) का प्रयोग करना। यह कृत्य उत्तर प्रदेश सरकारी सेवक आचरण नियमावली, 1956 के नियम-3 का स्पष्ट उल्लंघन है।
3. राजकीय कार्यों में बाधा अपने पदीय दायित्वों का निर्वहन न कर राजकीय कार्यों में गतिरोध उत्पन्न करना।

अतः, श्रीमती सुमन, प्रभारी प्रधानाध्यापिका, प्राथमिक विद्यालय एलम 3, विकास क्षेत्र कांधला को उत्तर प्रदेश सरकारी सेवक (अनुशासन एवं अपील) नियमावली, 1999 के नियम-4 के प्रदत्त शक्तियों का प्रयोग करते हुए तत्काल प्रभाव से निलंबित किया जाता है। निलंबन की शर्तें एवं निर्देशः

जांच अधिकारी: इस प्रकरण की विस्तृत जांच हेतु खण्ड शिक्षा अधिकारी, उ.न एवं कांधला को जांच अधिकारी नामित किया जाता है। जांच अधिकारी 15 दिवस के भीतर आरोप पत्र (*Charge sheet*) तैयार कर अपनी आख्या प्रस्तुत करेंगे। यह आदेश तत्काल प्रभाव से लागू होगा।

(क) निलम्बन अवधि में उक्त अध्यापिका को वित्तीय हस्तपुस्तिका के प्राविधानों के अनुसार नियमानुसार जीवन निर्वाह भत्ता देय होगा।

(ख) जीवन निर्वाह भत्ता: उन्हें वित्तीय नियम संग्रह खण्ड-2, भाग 2 से 4 के मूल नियम-53 के प्रावधानों के अनुसार जीवन निर्वाह भत्ता देय होगा, यदि वे इस आशय का प्रमाण पत्र दें कि वे किसी अन्य लाभ के पद पर कार्यरत नहीं हैं।

(ग) निलम्बन अवधि में उक्त अध्यापिका प्रा०वि० गढीरामकौर, विकास क्षेत्र कांधला में सम्बद्ध रहेगी।"

He submits that although it mentions that by some letter dated 5.2.2026, the election work as BLO was given to the petitioner, but aforesaid charge No.1, mentioned in the suspension order, does not specify as to what work has not been done by the petitioner. The other two charges only speak about misconduct and misuse of her position. Therefore, the impugned order is vague, ambiguous and arbitrary, hence is bad in the eyes of law.

He further emphasizing upon paragraphs 43-46 submits that there was some conversation between the District Basic Education Officer and the petitioner and on the same day, she has been placed under suspension, which speaks volumes about the biases due to which, the petitioner has been placed under suspension.

He further submits that even if the charges are proved, they do not warrant major penalty, therefore, the suspension order has been passed in violation of Rule-4 of Uttar Pradesh Government Servant (Discipline and Appeal) Rules, 1999.

On the other hand, learned counsel for the respondent-BSA submits that it has been clearly specified that by letter dated 5.2.2026, the election work given to the petitioner has not been done by her, which shows the misconduct of the petitioner. Therefore, the petitioner has been placed under suspension. Detailed charges shall be mentioned in the charge-sheet and opportunity shall be given to the petitioner to submit reply.

This Court is of the considered opinion that the charges so levelled against the petitioner cannot be examined at this stage, inasmuch as the explanation and documents relied upon by the petitioner can be a defence in the departmental inquiry, as during departmental inquiry, the petitioner will have ample opportunity to prove his innocence.

In view of the aforesaid, this writ petition is **disposed of** with a direction that the departmental inquiry be initiated against the petitioner and brought to its logical end, strictly in accordance with law, at the earliest possible preferably within a period of three months from the date of production of a certified copy of this order before the disciplinary authority. The petitioner shall cooperate in the inquiry.

(Mrs. Manju Rani Chauhan,J.)

March 28, 2026

LN Tripathi