



2026:AHC-LKO:20915

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

WRIT - A No. - 1850 of 2017

Rajendra Kumar Dwivedi

.....Petitioner(s)

Versus

State Of U.P Thru Prin Secy Social Welfare Lko And
Ors

.....Respondent(s)

Counsel for Petitioner(s)	: Kunwar Ravi Prakash, Pashupati Nath Dwivedi
Counsel for Respondent(s)	: C.S.C, Onkar Singh, Shivam Sharma

Court No. - 18

HON'BLE SHREE PRAKASH SINGH, J.

1. Heard Shri Pashupati Nath Dwivedi, learned counsel for the petitioner, and Mr. Piyush Kumar, learned Standing Counsel for the State.

2. By means of the present writ petition, the petitioner has assailed the impugned order dated 30.06.2016, by which the representation of the petitioner has been rejected while observing that he is not legally approved appointed teacher, thus, refuted the entitlement of the salary.

3. The submission of learned counsel for the petitioner is that the petitioner was appointed on 01.07.1993 as an Assistant Teacher by the Committee of Management of Shri Asthik Dev Bal Vidya Mandir, Johwa Sarki, District Raebareli (hereinafter referred to as "the school"), and his appointment was duly approved. It is submitted that a complaint was subsequently made, pursuant to which an inquiry was instituted, thereafter, an order was passed by the District Social Welfare Officer (Development), Raebareli, which was challenged in Writ Petition No. 2312 of 2006 (S/S), wherein directions were issued on 18.08.2015.

4. Further submission is that the termination of the petitioner's services is mainly based on two grounds, as apparent from the impugned order. First, that the petitioner is a close relative of member of the Committee of Management, who undertook the appointment of the petitioner, in the school and secondly, that vide the Order dated 10.04.2012, the representation of the

petitioner for claim of payment of salary, was rejected.

5. He argued that so far as the first ground of passing the impugned order is concerned, the matter was inquired into by the District Social Welfare Officer, who submitted a report to the Director, Social Welfare, U.P., Lucknow on 25.09.2018.

6. The relevant paragraph of the said report is extracted below:

"उक्त आरोप के अन्तर्गत बतन रोके जाने की लेकर श्री राजेन्द्र कुमार द्विवेदी द्वारा समय समय पर अनेको पत्रों के माध्यम से स्पष्ट किया गया कि उक्त लगाया गया आरोप झूठा है. श्री दविवेदी द्वारा यह भी कहा गया कि उनकी नियुक्ति का दिनांक 30.06.1993 है, प्रबन्ध समिति मूवी वर्ष 1993-94 में अंकित किसी भी पदाधिकारी सदस्य के वह निकट सम्बन्धी नहीं है. बल्कि दूर-दराज से भी सम्बन्धी नहीं है। विद्यालय प्रबन्धक द्वारा अपने पत्रों के माध्यम से श्री दविवेदी के कथन को सही बताते हुए श्री द्विवेदी के वेतन भुगतान किये जाने का अनुरोध किया जाता रहा है। श्री राजेन्द्र कुमार दविवेदी नियुक्ति के समय दिनांक 30.06 1993 में प्रबन्ध समिति के किस पदाधिकारी सदस्य के निकट सम्बन्धी रहे. का उल्लेख माक्षय भी प्रकाश में नहीं आया है। श्री राजेन्द्र कुमार द्विवेदी पर लगाया गया आरोप पूर्णतय: निराधार है प्रबन्धक द्वारा भी स्पष्ट किया गया है।"

7. Referring to the aforesaid report, learned counsel submits that after conducting the inquiry, the District Social Welfare Officer reached to the conclusion that the petitioner is not relative of any of the office bearer or the member of the Committee of Management and that the allegation regarding such relationship was baseless.

8. It is further submitted that the second ground of rejection of the claim of the petitioner is that the order dated 10.04.2012, which was challenged, in Writ-A No. 6833 of 2015 has already been quashed by a Coordinate Bench of this Court, vide judgment and order dated 05.01.2023, as amended vide order dated 18.01.2023. Therefore, submission is that the second ground also no longer survives.

9. He concluded and submits that since both the grounds mentioned in the impugned order are unsustainable, therefore the order dated 30.06.2016, is liable to be quashed.

10. Per contra, learned counsel appearing for the State has opposed the aforesaid submissions and contended that apart from the two grounds mentioned, there are certain reasons for non-payment of salary to the

petitioner. It is further submitted that no financial concurrence was ever granted in favour of the petitioner and the petitioner had not been paid salary.

9. In rejoinder reply, learned counsel for the petitioner, relying upon the contents of the rejoinder affidavit, submits that the petitioner received salary from the year 1994 to 1997 and, therefore, the contention of learned counsel for the State is incorrect, that no financial concurrence was granted.

10. Having considered the submissions of learned counsel for the parties and upon perusal of the record, it transpires that the petitioner was appointed by the Committee of Management in the year 1993. As per the pleadings of the petitioner, he was paid salary from 1994 to 1997, from the State Exchequer. The dispute arose, when a complaint was made against the petitioner and an adverse decision was taken. The same was challenged by filing Writ Petition No. 2312 of 2006 (S/S), wherein this Court directed the District Social Welfare Officer to take a decision and in pursuant thereof, the impugned order has been passed.

11. This Court finds that the impugned order has been passed mainly on two grounds, first, that the petitioner is a close relative of an office bearer/member of the Committee of Management, who appointed him and secondly, the status of grant-in-aid of the school was rescinded by Government Order dated 10.04.2012.

12. Upon examination of the first ground, it appears that the issue regarding the petitioner being a close relative of a member or office bearer of the Committee of Management was made to the subject of an inquiry. The inquiry report submitted by the District Social Welfare Officer clearly records that the petitioner is not related to any such member or office bearer of the committee of management concerned. Thus, the first ground for passing the order impugned, does not survive.

13. As regards the second ground, the Order dated 10.04.2012 was challenged by the teachers of the school, by filing Writ-A No. 6833 of 2015 along with connected petitions, which were finally decided vide the judgment and order dated 05.01.2023. From a perusal of the said judgment, it transpires that the Order dated 10.04.2012 has been quashed and,

therefore, the very basis and genesis of the impugned order dated 30.06.2016 ceases to exist.

14. It is well settled that an administrative order must stand or fall on the reasons contained therein and cannot be supplemented by fresh reasons later, as held by the Supreme Court in **Mohinder Singh Gill vs. Chief Election Commissioner, New Delhi reported in (1978) 1 SCC 405**. The case of the present petitioner is squarely covered by the aforesaid principle.

15. Accordingly, this Court finds merit in the writ petition; resultantly, the impugned order dated 30.06.2016 is hereby quashed.

16. The District Social Welfare Officer is directed to pass a fresh order in the matter, after affording an opportunity of hearing to the petitioner and the other stakeholders, within a period of eight weeks, from the date of production of a certified copy of this order.

17. With the above observations, the writ petition is hereby **allowed**.

March 19, 2026

Mayank/Raj

(Shree Prakash Singh,J.)