



2026:AHC-LKO:19882

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

WRIT - C No. - 2039 of 2026

Smt. Santoshi Devi

.....Petitioner(s)

Versus

State Of Uttar Pradesh Through Secretary, Panchayat
Raj, Civil Secretariat, Lucknow And 5 Others

.....Respondent(s)

Counsel for Petitioner(s) : Pramod Kumar Shukla, Ashish Kumar
Mishra

Counsel for Respondent(s) : C.S.C.

Court No. - 17

HON'BLE SUBHASH VIDYARTHI, J.

1. Heard Shri Pramod Kumar Shukla, the learned counsel for the petitioner and Shri U.C. Singh, the learned Additional Chief Standing Counsel for the State. The opposite party No.6 is the complainant on whose complaint, proceedings have been instituted against the petitioner.

2. By means of the instant petition filed under Article 227 of the Constitution of India, the petitioner has challenged the validity of an order dated 21.01.2026 passed by the District Magistrate, Sitapur directing lodging of an FIR against the petitioner, removing her from the office of Village Pradhan and ordering recovery of amount from her. While the petitioner was working as Pradhan of Village- Sakaran, Development Block- Sakaran, District- Sitapur, the opposite party No.6 made complaints against certain irregularities committed by her.

3. A preliminary inquiry was held and on the basis thereof; a show cause notice dated 07.01.2025 (annexed as Annexure No.3 to the writ petition) was issued to the petitioner. The petitioner has submitted an explanation and thereafter, the District Magistrate passed an order dated 22.03.2025 seizing the financial and administrative power of the petitioner under Section 95(1)(G) of the U.P. Panchayat Raj (Removal of Pradhan, Up-Pradhan and Members) Enquiry Rules 1997 (hereinafter referred to as Enquiry Rules, 1997). The petitioner challenged the aforesaid orders by filing Writ-C No.3860 of 2025 which was allowed by means of an order dated 01.05.2025, the impugned order seizing the powers of the petitioner as Village Pradhan was quashed. However, it was provided that the final inquiry shall be

concluded in accordance with law. Thereafter, the impugned order dated 21.01.2026 has been passed removing the petitioner from the post of Village Pradhan, ordering recovery of amount from her and also directing lodging of an FIR against her.

4. Assailing validity of the aforesaid order, the learned counsel for the petitioner has submitted that the procedure for enquiry against Village Pradhan is provided in Rule 6 of the aforesaid Enquiry Rules, 1997, sub-rule 3 whereof provides that:-

"The Enquiry Officer shall deliver or cause to be delivered to the person against whom he is to hold the enquiry, a copy of the articles of charge, the statement of the imputations and a list of documents and witnesses by which each article of charge is proposed to be sustained and shall require that person by a notice in writing, to submit within such time as may be specified, a written statement of his defence and to state whether he desires to be heard in person, and to appear in person before him on such day and at such time as may be specified."

5. The learned counsel for the petitioner has submitted that the Enquiry Officer has not provided any of the aforesaid documents and material to the petitioner as required by the Rule 6(3) of the Enquiry Rules, 1997.

6. Shri U.C. Singh, the leaned Additional Chief Standing Counsel for the State has opposed the writ petition and he has submitted that the impugned order has been passed after the petitioner has been found to be guilty along with two other persons- the Administrator and Village Secretary of committing irregularities and embezzlement and action has been taken against all three of them. It is not that the petitioner has been singled out and the action has been taken against him in an arbitrary manner.

7. However, the learned Additional Chief Standing Counsel could not dispute the submission of the learned counsel for the petitioner that the material required to be provided to the petitioner in terms of Rule 6(3) of the Enquiry Rules, 1997 was not provided to him.

8. In view of the foregoing discussion, this Court is of the view that the petitioner has not been provided with the material mentioned in Rule 6(3) of the Enquiry Rules, 1997, which vitiates the entire inquiry and the consequent order of removal and recovery etc.

9. According, the writ petition is **allowed**. The impugned order dated 21.01.2026 passed by the District Magistrate, Sitapur is **quashed**. Liberty is granted to the opposite parties to hold a final enquiry against the petitioner afresh in accordance with the procedure prescribed in Rule 6 of the Enquiry Rules, 1997.

March 18, 2026

-Amit K-

(Subhash Vidyarthi,J.)