



2026:AHC-LKO:26318

**HIGH COURT OF JUDICATURE AT ALLAHABAD****LUCKNOW****WRIT - A No. - 14777 of 2025**

C/M , City Intermediate College , Barabanki , Thru. its Manager Sardar  
Alok Singh

.....Petitioner(s)

Versus

State of U.P. Thru. Prin. Secy. Deptt. Secdy. Education Lko. and 6 others  
.....Respondent(s)

---

Counsel for Petitioner(s)	:	Akash Dikshit,
Counsel for Respondent(s)	:	C.S.C., Pawan Kumar Pandey

---

**Court No. - 17****HON'BLE RAJEEV SINGH, J.**

1. Heard learned counsel for the petitioner, Shri Shailendra Singh, learned Chief Standing Counsel assisted by Shri Ran Vijay Singh, learned Additional Chief Standing Counsel for respondent nos.1 to 5 and Shri Pawan Kumar Pandey, learned counsel appearing for respondent no.7.

2. The present petition has been filed by the Committee of Management of City Intermediate College, Barabanki seeking the following main prayers :-

*"(i). issue a writ, order or direction in the nature of certiorari quashing the impugned actions as well orders, if any passed by the opposite party no. 4 by summoning the same from opposite party, whereby opposite party no. 7*

*has been illegally permitted to re-join the petitioner's institution as Assistant Teacher and paid salary for the month of October, 2025 ;*

*(ii). issue a writ of mandamus commanding the respondents not to treat opposite party no. 7 as Assistant Teacher (TGT) in the petitioner's institution in view of his relieving and cessation of service on 20.6.2024 and subsequent appointment at Bijapur, Chattisgarh ;*

*(iii). issue a writ, order or direction in nature of mandamus directing the State Government to conduct a full fledged inquiry by a senior authority against opposite party nos. 4 and 7 for manipulation of records, misuse of power and causing financial loss to the State exchequer;*

*(iv). issue a writ, order or direction in the nature of mandamus directing for recovery of the illegally paid salary from opposite party no. 7 from officials responsible for the illegal disbursement."*

3. In pursuance of the order dated 01.04.2026 passed in connected Writ-A No. 14076 of 2025, Mr. O.P. Tripathi, District Inspector of Schools, Barabanki is present before this Court.

4. The facts, in brief, are that respondent no.7-Abhay Kumar was selected as Assistant Teacher (Sanskrit), T.G.T. Grade under SC/ST category by the U.P. Secondary Education Service Selection Board. The Committee of Management issued appointment letter dated 26.09.2018 to respondent no. 7, in pursuance to which, he joined the College on 01.10.2018. Thereafter, respondent no. 7 applied in pursuance to the advertisement issued by National Education Society for Tribal Students, Society of Ministry of Tribal Affairs, Government of India and after having been selected for the post of Lecturer (Sanskrit) (P.G.T.), joined on the said post in Eklavya Adarsh Awasiya Vidyalaya, Bijapur, Chhattisgarh. One application dated 15.06.2024 was given by the respondent no. 7 to the District Inspector of Schools, Barabanki through Principal of the College for relieving with the further request that his lien for a period of

one year may be kept intact, on which, the Principal of the College issued relieving order in favour of respondent no. 7 on 20.06.2024. Later on, respondent no. 7 submitted representation before respondent no. 3-Joint Director of Education (Secondary), Lucknow seeking rejoining in the petitioner-College, who forwarded the matter to respondent no. 6-District Inspector of Schools, Barabanki (hereinafter referred to as 'DIOS') and in pursuance of the letter issued by respondent no. 6 dated 19.06.2025, the Principal of the College relieved respondent no. 7 to join the duties.

5. Aggrieved by the aforesaid action of the respondents, the petitioner-Committee of Management has preferred the present petition.

6. Submission of the learned counsel for the petitioner is that all the aforesaid action has been taken by the respondent nos. 3 to 6 without obtaining permission/consent of the petitioner. It is further submitted that without obtaining sanction from the petitioner, respondent no. 7 applied in pursuance to the advertisement issued by National Education Society for Tribal Students, Society of Ministry of Tribal Affairs, Government of India and thereafter joined on the post of Lecturer (Sanskrit) in Eklavya Adarsh Awasiya Vidyalaya, Bijapur, Chhattisgarh in collusion with the DIOS as well as the Principal of the College. It is categorically submitted that the said fact was never brought into the notice of the petitioner, even by respondent no. 6-Principal of the College.

7. It is further submitted that respondent No.7, after joining at Eklavya Adarsh Awasiya Vidyalaya, Bijapur, Chhattisgarh on 25.06.2024 moved an application on 26.06.2024 to the Manager of the College with the request that his lien for a

period of one year may be kept intact. Learned counsel vehemently submits that there was no provision for keeping the lien of respondent no. 7 intact, as he applied for the post of Lecturer (Sanskrit), P.G.T. Grade in other State, i.e., Chattisgarh on his own without taking any permission from the Committee of Management and, therefore, his request was rejected by the Manager of the College vide order dated 06.07.2024.

8. Thereafter, it came into the knowledge of the petitioner that on 27.05.2025, respondent no. 7 moved an application before Joint Director, Secondary Education, Ayodhya Region, Ayodhya (respondent no. 3) seeking rejoining in the Institution in question and in pursuance of the directions of respondent no. 3, the DIOS issued a letter on 19.06.2025 to the Principal-respondent no. 6 directing him to complete the formalities of rejoining of respondent no. 7. Learned counsel for the petitioner categorically submits that this act was also done without intimation to the petitioner-Committee of Management. Thereafter, in pursuance to the letter dated 19.06.2025 of DIOS, the Principal of the College in question, namely, Dr. Shiv Charan Gautam allowed the respondent no. 7 to resume the duties, without any approval of the Committee of Management. It is also submitted that the DIOS also approved the salary bill of respondent no. 7 for the month of October, 2025, which was never sent by the petitioner and the salary for the month of October, 2025 was disbursed by respondent no. 5-Finance & Accounts Officer, Barabanki. It is also informed by the learned counsel for the petitioner that respondent no. 7 submitted his resignation to Eklavya Adarsh Awasiya Vidyalaya, Bijapur, Chhattisgarh, which was accepted by the College on 14.11.2025.

9. Learned counsel for the petitioner-Committee of Management next submits that since October, 2025, the salary register of the College has forcibly been kept in the office of DIOS, under the orders of Mr. O.P. Tripathi, DIOS and the salary bill of respondent no. 7 was prepared by the DIOS as well as by the Principal of the College, without obtaining approval of the Committee of Management. It is vehemently submitted that all these illegal activities have been done with the collusion of Mr. O.P. Tripathi, DIOS and Mr. Shiv Charan Gautam, Principal of the College without any authority of law. It is, thus, submitted that an inquiry may be directed to be conducted in regard to all these illegal acts done by the respondents, and the impugned actions/orders may be quashed.

10. While opposing the prayer of the petitioner-College, Shri Pawan Pandey, learned counsel appearing for respondent no. 7 submits that the letter of appointment on the post of Assistant Teacher (Sanskrit) was issued by the Committee of Management on 26.09.2018 to respondent no. 7, in pursuance to which, he resumed the duties on 01.10.2018. It is further submitted that respondent no. 7 applied in pursuance to the advertisement issued by National Education Society for Tribal Students, Society of Ministry of Tribal Affairs, Government of India and after having been selected for the post of Lecturer (Sanskrit) (P.G.T.), joined on the said post in Eklavya Adarsh Awasiya Vidyalaya, Bijapur, Chhattisgarh, after obtaining due permission from the Principal of the College. Thereafter, a request was also made to the Committee of Management for keeping his lien intact for a period of one year. However, while admitting the fact that no permission was sought from the Committee of Management prior to applying against the aforesaid advertisement, learned counsel for the respondents

no. 7 fails to show the provision, under which, such a request can be made to the Committee of Management for keeping the lien intact, when the incumbent had already left the College without obtaining permission from the Committee of Management and joined in a College situated in another State. Learned counsel for the respondent no. 7, though submits that respondent no. 7 moved the application dated 27.05.2025 to respondent no. 3-Joint Director, Secondary Education, Ayodhya Region, Ayodhya with the request for rejoining in the College in question, which was forwarded by respondent no. 3 to DIOS and in pursuance of the directions of DIOS, respondent no. 6-Principal allowed respondent no. 7 to resume his duties, but he does not dispute that no permission was ever sought from the Committee of Management in this regard also and the Committee of Management never passed any order for his rejoining. Learned counsel for the respondent no. 7, while conceding the fact that resignation of respondent no. 7 was accepted by Eklavya Adarsh Awasiya Vidyalaya, Bijapur, Chhattisgarh on 14.11.2025, also admits that salary bill of respondent no. 7 for the month of October, 2025 was forwarded by DIOS as well as by Principal and he received the salary for the said month.

11. Shri Shailendra Singh, learned Chief Standing Counsel also fairly concedes the fact that the appointing authority of respondent no. 7 is the Committee of Management of the College and once he accepted employment in any other College of another State, without obtaining any permission from the Committee of Management then his lien would not be intact. It is also admitted by learned Chief Standing Counsel that in the present case, the Committee of Management never allowed respondent no. 7 to apply against advertisement issued by

National Education Society for Tribal Students, Society of Ministry of Tribal Affairs, Government of India for appointment in the Colleges of another State. It is also not disputed that Joint Director, Secondary Education, Ayodhya forwarded the lien application of respondent no. 7 dated 27.05.2025 to DIOS, on which, the DIOS sent the matter to the Principal of the College, in place of writing to the Committee of Management. Learned Chief Standing Counsel also does not dispute that respondent no. 7 was allowed to resume his duties on 01.09.2025 and was paid salary for the month of October, 2025 by the authorities concerned, though his resignation was accepted by the College of Bijapur, Chattisgarh on 14.11.2025.

12. Considering the arguments advanced by the learned counsel for both the parties and going through the contents of the petition, counter affidavit as well as other relevant documents, it is evident that the appointing authority of a Teacher in grant-in-aid College is the Committee of Management and in the present case, at the initial stage, respondent no. 7 joined on the post of Assistant Teacher (Sanskrit) in the College in question in pursuance to the appointment letter dated 26.09.2018 issued by the Committee of Management. However, thereafter without obtaining any permission from the Committee of Management, he applied for the post of Lecturer (Sanskrit) and after selection, joined on the said post in Eklavya Adarsh Awasiya Vidyalaya, Bijapur, Chhattisgarh on 25.06.2024, without obtaining permission from petitioner-Committee of Management. It is further evident that respondent no. 7 moved an application to the Committee of Management on 26.6.2024 for keeping his lien intact for a period of one year, but the same was rejected on 06.07.2024. Thereafter, on 27.05.2025, i.e., after about one year,

respondent no. 7 moved an application before respondent no. 3-Joint Director, Secondary Education, Ayodhya for rejoining in the College in question, on which, respondent no. 3 wrote a letter to DIOS on 11.06.2025 with the direction for submitting report related to joining and continuing lien of Abhay Kumar-respondent no. 7 after completing necessary formalities.

13. The letter dated 11.6.2025 issued by Yogendra Kumar Singh, then Joint Director, Secondary Education, Ayodhya Region, Ayodhya reads as under :-

"प्रेषक,  
संयुक्त शिक्षा निदेशक,  
अयोध्या मण्डल, अयोध्या।  
सेवा में,  
जिला विद्यालय निरीक्षक,  
बाराबंकी।

पत्रांक-मा०बारा०/2203-04/2025-26 दिनांक 11.06.2025

विषय-श्री अभय कुमार, पूर्व स०अ० (संस्कृत), सिटी इण्टर कालेज, बाराबंकी को कार्यभार ग्रहण कराने के सम्बन्ध में।

महोदय,

उपर्युक्त विषयक, श्री अभय कुमार, पूर्व स०अ० (संस्कृत), सिटी इण्टर कालेज बाराबंकी को कार्यभार ग्रहण कराने के सम्बन्ध में प्रार्थना पत्र के माध्यम से अवगत कराया गया है कि उनके द्वारा सन् 2018 से 2024 तक स०अ० (संस्कृत) पद पर सिटी इण्टर कालेज, बाराबंकी में कार्य किया गया है। उनका चयन पी०जी०टी० पद पर एकलव्य आदर्श विद्यालय बीजापुर छत्तीसगढ़ में होने के उपरान्त दिनांक 20 जून 2024 को कार्यभार ग्रहण किया गया। हृदय रोग से पीड़ित पिताजी की अत्यधिक तबियत खराब होने के कारण व छोटे-छोटे तीन बच्चों के उचित देखभाल व पालन पोषण में आ रही समस्याओं के कारण सिटी इण्टर कालेज बाराबंकी में अपने मूल पद वापस कार्यभार ग्रहण कराने हेतु अनुरोध किया गया है।

अस्तु उक्त के सम्बन्ध में आपको निर्देशित किया जाता है कि श्री अभय कुमार पूर्व स०अ० (संस्कृत) सिटी इण्टर कालेज बाराबंकी को कार्यभार ग्रहण कराने के सम्बन्ध में आपसे आख्या समस्त औपचारिकताओं (यथा धारणाधिकार पत्र आदि) को पूर्ण करते हुए इस कार्यालय को प्राप्त कराना सुनिश्चित करें जिससे अग्रेत्तर कार्यवाही की जा सके।

(योगेन्द्र कुमार सिंह)  
 संयुक्त शिक्षा निदेशक  
 अयोध्या मण्डल, अयोध्या।"

14. In pursuance to the aforesaid letter, the DIOS wrote letter dated 19.06.2025 addressed to Principal of the College for necessary action in terms of the orders of Joint Director, Secondary Education, Ayodhya. The copy of the said letter was also forwarded to Director, Secondary Education, Lucknow Joint Director, Secondary Education, Ayodhya Region as well as to respondent no. 7

The letter dated 19.06.2025 issued by the DIOS, Barabanki is as under:-

"प्रेषक,  
 जिला विद्यालय निरीक्षक,  
 बाराबंकी।  
 सेवा में,  
 प्रधानाचार्य,  
 सिटी इण्टरमीडिएट कालेज,  
 बाराबंकी।

पत्रांक/मा०/2853-56 /2025-26 दिनांक 19-06-2025

विषय:- श्री अभय कुमार, ग्राम मंजीठा, पोस्ट-पाटमऊ, बाराबंकी के प्रार्थना पत्र पर नियमानुसार कार्यवाही विषयक।

महोदय,

उपर्युक्त विषय पर, संयुक्त शिक्षा निदेशक अयोध्या मण्डल अयोध्या पत्रांक / मा०बारा/2203-04/2025-26 दिनांक 11.06.2025 (छायाप्रति संलग्न) का सन्दर्भ ग्रहण करें, जो श्री, अभय कुमार ग्राम मंजीठा, पोस्ट-पाटमऊ बाराबंकी के द्वारा प्रस्तुत प्रत्यावेदन के प्रति, नियमानुसार आवश्यक कार्यवाही विषयक है, प्रकरण संयुक्त शिक्षा निदेशक द्वारा निम्नांकित निर्देश प्रदान किया गया है, "अस्तु उक्त के सम्बन्ध में आपको निर्देशित किया जाता है कि श्री अभय कुमार पूर्व स०अ० (संस्कृत) सिटी इण्टर कालेज, बाराबंकी को कार्यभार ग्रहण कराने के सम्बन्ध में, अपनी आख्या समस्त औपचारिकताओं (यथा धारणाधिकार पत्र आदि) को पूर्ण कराते हुए,

इस कार्यालय को प्राप्त कराना सुनिश्चित करें, जिससे अग्रेत्तर कार्यवाही की जा सके"।

अतः उक्त प्रकरण में, नियमनुसार आवश्यक कार्यवाही सुनिश्चित करे, एवं कृत कार्यवाही से अधोहस्ताक्षरी का अवगत कराये।

भवदीय

जिला विद्यालय निरीक्षक,

बाराबंकी।"

15. The counter affidavit filed by DIOS, Barabanki reveals that on 01.09.2025, Mr. Shiv Charan Gautam-Principal allowed respondent no. 7 to resume his duties in the College.

The letter dated 01.09.2025 of the Principal annexed as Annexure CA 6 to the counter affidavit filed by the DIOS reads as under:-

"6-11/2025-26 दिनांक 01-09-2025

प्रेषक,

प्रधानाचार्य

सिटी इण्टर कॉलेज बाराबंकी।

सेवा में,

श्रीमान जिला विद्यालय निरीक्षक महोदय,

बाराबंकी।

पत्र पत्रांक- .....2025/26 दिनांक :-

विषय: अभय कुमार स०अ० संस्कृत को दिनांक 01.09.2025 को श्रीमान जिला विद्यालय निरीक्षक के निर्देशानुसार कार्यभार ग्रहण कराया गया के सम्बन्ध में सूचना का प्रेषण।

महोदय,

सादर निवेदन पूर्वक आपसे कहना है कि श्री अभय कुमार की नियुक्ति आयोग द्वारा दिनांक 01.10.2018 को स०अ० संस्कृत (आरक्षित) अनुसूचित जाति के पद पर सिटी इण्टर कॉलेज बाराबंकी में हुयी थी, तदोपरान्त अभय कुमार स०अ० संस्कृत की नियुक्ति एकलव्य आदर्श आवासीय केन्द्रीय विद्यालय बीजापुर, छत्तीसगढ़ में संस्कृत प्रवक्ता पद पर हो गयी और दिनांक 20.06.2024 को विद्यालय से कर्यमुक्त हो गये। धारणाधिकार के तहत पूर्व पर स्थापित होना चाहते हैं। इस क्रम में श्रीमान जिला विद्यालय निरीक्षक बाराबंकी के

आदेशानुसार पत्रांक/मा०-2852-56/ दिनांक:- 19.06.2025 एवं द्वितीय स्मरण पत्र पत्रांक / मा0-5213- 16/2025-26/दिनांक- 04.08.2025 के अनुपालन में श्री अभय कुमार को पूर्व पर आरक्षित स०अ० संस्कृत को आयोग द्वारा चयनित श्रीमान प्रधानाचार्य डॉ० शिवचरन गौतम द्वारा दिनांक- 01.09.2025 को पूर्वान्ह 8:30AM पर कार्यभार ग्रहण कराया गया।

जिसकी सूचना श्रीमान जी की सेवा में सादर प्रेषित है।

भवदीय प्रधानाचार्य

डॉ० शिवचरन गौतम

सिटी इण्टर कालेज बाराबंकी"

16. The record further reveals that though the resignation of respondent no. 7 was accepted by Eklavya Adarsh Awasiya Vidyalaya, Bijapur, Chhattisgarh on 14.11.2025, salary for the month of October, 2025 was given to him by Mr. O.P. Tripathi, DIOS, Barabanki with the collusion of Mr. Shiv Charan Gautam-Principal, by showing that he was working in the petitioner-College.

17. It is also evident that the salary Register of the College was lying with DIOS, Barabanki without any written order. Further, a perusal of order dated 01.04.2026 passed in connected petition, Writ-A No. 14076 of 2025, shows that the DIOS, Barabanki passed an order bearing Order No. 10980-84/2025-26 dated 05.01.2026 directing for single operation of the account on the ground that salary bills of the Teachers as well as other employees were not being sent by the Committee of Management.

Order dated 01.04.2026 passed in Writ-A No. 14076 of 2025 is reproduced hereunder.

*"1. Short counter affidavit filed by Sri Ran Vijay Singh, learned Additional Chief Standing Counsel appearing for the respondent no.2 is taken on record.*

2. On 28.03.2026, following order was passed:-

"1. On 16.03.2026, direction has been issued by this Court that if the salary of the petitioner is not paid as per the salary bills, the Director of Secondary Education, U.P. shall appear in person alongwith District Inspector of Schools, Barabanki, to show cause. However, short counter affidavit is not filed by the authorities and it is informed that in lieu of the salary bills sent by the Committee of Management, salary has been paid to the petitioner.

2. Sri Ran Vijay Singh, learned Additional Chief Standing Counsel, while placing receipt slip, submits that due amount of Rs. 12,50,068/- has already been credited in the account of the petitioner.

3. The aforesaid slip does not explain the payment of salary to the petitioner against the salary bills sent by the Committee of Management.

4. List this case on 01.04.2026.

5. On the next date, District Inspector of Schools, Barabanki shall appear in person before this Court alongwith complete record related to the salary bills of the petitioner."

3. In pursuance of aforesaid order, District Inspector of Schools, Barabanki is present today. He submits that vide order dated 05.01.2026, direction was issued for single operation of the account. Drawing attention at Annexure No. S.C.A.-3 at page nos.54 to 57 of the short counter affidavit, he further submits that the aforesaid order reveals that salary bills of the teachers as well as other employees were not being sent by the Committee of Management, hence, the order was passed and it was already communicated to Chief Standing Counsel, High Court, Lucknow, Director of Secondary Education, 18 Park Road, U.P., Lucknow, Joint Director, Ayodhya Mandal, Ayodhya, Finance and Accounts Officer, Secondary Education, Barabanki, Senior Treasury Officer, Barabanki, Manager of City Intermediate College, Barabanki and Principal of City Intermediate College, Barabanki.

4. The relevant record placed before this Court is kept in custody.

5. List this case tomorrow, i.e., on 02.04.2026 at 11:30 am alongwith Writ-A No. 14777/2025 and Writ-A No. 11003/2025.

6. On the next date, the dispatch register related to the dispatch of the order dated 05.01.2026 be placed before this Court by the officer present today.

7. The officer present today shall again appear before this Court on the next date."

18. In pursuance of the aforesaid order, when the matter was taken up on 02.04.2026, the DIOS, Barabanki, who was present before this Court along with dispatch register, initially stated

before this Court that the order dated 05.01.2026 was sent to the parties concerned, including the Manager of the College through Special messenger, however, later on, on being asked about the receipt of the order, the DIOS stated that the same was pasted on the gate of the College. Again, on being asked to evince the name of the messenger, the DIOS finally admitted that the said order was not sent to the Manager of the College. A personal affidavit has also been filed by the DIOS in the said petition, in which, while justifying the order of single operation dated 05.01.2026 in para 4 of the personal affidavit, the DIOS stated that though the said order dated 05.01.2026 was not dispatched, it is mentioned in the Register and for not sending the same to the concerned parties, a show cause notice was issued to Mr. Mohd. Saleem Khan, Senior Assistant, Office of DIOS, Barabanki vide order dated 02.04.2026. He also stated that the order of single operation dated 05.01.2026 has already been withdrawn on 02.04.2026. The order dated 02.04.2026 passed by this Court in Writ-A No. 14076 of 2025 reads as under :

*"1. On 1.4.2026, following order was passed :-*

*1. Short counter affidavit filed by Sri Ran Vijay Singh, learned Additional Chief Standing Counsel appearing for the respondent no.2 is taken on record.*

*2. On 28.03.2026, following order was passed:-*

*"1. On 16.03.2026, direction has been issued by this Court that if the salary of the petitioner is not paid as per the salary bills, the Director of Secondary Education, U.P. shall appear in person alongwith District Inspector of Schools, Barabanki, to show cause. However, short counter affidavit is not filed by the authorities and it is informed that in lieu of the*

*salary bills sent by the Committee of Management, salary has been paid to the petitioner.*

*2. Sri Ran Vijay Singh, learned Additional Chief Standing Counsel, while placing receipt slip, submits that due amount of Rs. 12,50,068/- has already been credited in the account of the petitioner.*

*3. The aforesaid slip does not explain the payment of salary to the petitioner against the salary bills sent by the Committee of Management.*

*4. List this case on 01.04.2026.*

*5. On the next date, District Inspector of Schools, Barabanki shall appear in person before this Court alongwith complete record related to the salary bills of the petitioner."*

*3. In pursuance of aforesaid order, District Inspector of Schools, Barabanki is present today. He submits that vide order dated 05.01.2026, direction was issued for single operation of the account. Drawing attention at Annexure No. S.C.A.-3 at page nos.54 to 57 of the short counter affidavit, he further submits that the aforesaid order reveals that salary bills of the teachers as well as other employees were not being sent by the Committee of Management, hence, the order was passed and it was already communicated to Chief Standing Counsel, High Court, Lucknow, Director of Secondary Education, 18 Park Road, U.P., Lucknow, Joint Director, Ayodhya Mandal, Ayodhya, Finance and Accounts Officer, Secondary Education, Barabanki, Senior Treasury Officer, Barabanki, Manager of City Intermediate College, Barabanki and Principal of City Intermediate College, Barabanki.*

*4. The relevant record placed before this Court is kept in custody.*

5. List this case tomorrow, i.e., on 02.04.2026 at 11:30 am alongwith Writ-A No. 14777/2025 and Writ-A No. 11003/2025.

6. On the next date, the dispatch register related to the dispatch of the order dated 05.01.2026 be placed before this Court by the officer present today.

7. The officer present today shall again appear before this Court on the next date.

2. In pursuance of aforesaid order, Dispatch Register is placed before this Court by Mr. Om Prakash Tripathi, D.I.O.S., Barabanki and at the initial stage, he stated that order dated 5.1.2026 was sent to the parties through special messenger and thereafter, Bench Secretary was directed to take a photo copy of the dispatch register related to the dispatch of order dated 5.1.2026, by which the order for single operation was passed by the D.I.O.S., Barabanki, photo copy of the aforesaid document is taken on record.

3. It is informed in the morning that copy of the order was communicated to the Manager of the college in question through special messenger. Thereafter, he was asked to place the receipt, then he informed that copy was not received, after that, it was pasted on the gate of the college, and when name of messenger was asked, he was unable to speak the name of messenger, thereafter, he admitted that there was a mistake that letter to the Director, Secondary Education's Chief Standing Counsel, High Court, Lucknow Joint Director, Secondary Education, Ayodhya, Finance and Accounts Officer, D.I.O.S. Barabanki and the Manager of the college in question was not sent.

4. A personal affidavit is also filed by D.I.O.S., Barabanki enclosing the order dated 2.4.2026, in which, he admitted that order related to the single operation dated 5.1.2026 was not dispatched from the Office but it is mentioned in Register and the order of single operation dated 5.1.2026 has also been withdrawn, personal affidavit is taken on record.

The order dated 2.4.2026 passed by the D.I.O.S., Barabanki is as under :-

Ann. No. - 1

717X. 4

(9)

कार्यालय जिला विद्यालय निरीक्षक, बाराबंकी।  
पत्रांक-मा0/02-11 /2026-27 दिनांक 02-4-2026

एकाकी परिचालन प्रत्याहरण आदेश

मा0 उच्च न्यायालय में डा0 शिव चरन गौतम प्रधानाचार्य सिटी इण्टरमीडिएट कालेज, बाराबंकी द्वारा योजित याचिका संख्या- 11003/ए/2025 डा0 शिव चरन गौतम बनाम् उ0प्र0राज्य व अन्य में मा0 उच्च न्यायालय द्वारा पारित आदेश 22.09.2025 के अनुपालन में डा0 शिव चरन गौतम से प्रधानाचार्य पद का कार्य लेने एवं याची का ससमय वेतन देयक प्रस्तुत करने के लिए संस्था प्रबन्धक को कार्यालय के पत्र दिनांक 23.12.2025 से नोटिस/निर्देश निर्गत किया गया था। विभागीय निर्देश एवं मा0 उच्च न्यायालय के आदेश 22.09.2025 के अनुपालन हेतु कार्यालय के पत्रांक 10980-84/ 2025-26 दिनांक 05.01.2026 से संस्था के वेतन वितरण संयुक्त आते को एकाकी परिचालन किया गया था।

उक्त एकाकी परिचालन आदेश, अधोहस्ताक्षरी के हस्ताक्षरोपरान्त डिस्पैच होकर पत्रावली में संरक्षित रहा। उक्त एकाकी परिचालन आदेश का सम्बन्धित को वितरण/प्राप्ति होने का साक्ष्य पत्रावली पर नहीं है। अतः उक्त एकाकी परिचालन आदेश दिनांक 05.01.2026 को एतद्वारा तत्काल प्रभाव से निरस्त किया जाता है।

जिला विद्यालय निरीक्षक,  
बाराबंकी।

पृष्ठांकन सं0/मा0/02-11 /2026-27 दिनांकित 2-4-26

प्रतिलिपि- निम्नलिखित की सेवा में सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित।

1. मुख्य स्थायी अधिवक्ता, मा0 उच्च न्यायालय चण्डपीठ लखनऊ।
2. शिक्षा निदेशक माध्यमिक, 18 पार्क रोड उ0प्र0 लखनऊ।
3. संयुक्त शिक्षा निदेशक, अयोध्या मण्डल अयोध्या।
4. विल्ट एवं लेखाधिकारी (मा0) शिक्षा, बाराबंकी।
5. वरिष्ठ कोषाधिकारी, बाराबंकी।
6. प्रबन्धक, सिटी इण्टरमीडिएट कालेज, बाराबंकी।
7. प्रधानाचार्य, सिटी इण्टरमीडिएट कालेज, बाराबंकी।

जिला विद्यालय निरीक्षक,  
बाराबंकी।

9C

0

The show cause notice dated 2.4.2026 issued to Mr. Mohd. Saleem Khan, Senior Assistant, Office of D.I.O.S., Barabanki is as under

Ann. No. - 2 (14)

कार्यालय जिला विद्यालय निरीक्षक, बाराबंकी।

पत्रांक-मा०/ 12-16 /2026-27 दिनांक 2-4-26  
 मा० सलीम खाँ  
 वरिष्ठ सहायक  
 कार्यालय जिला विद्यालय निरीक्षक बाराबंकी

नोटिस

मा० उच्च न्यायालय में डा० शिव चरन गौतम प्रधानाचार्य सिटी इण्टरमीडिएट कालेज, बाराबंकी द्वारा योजित याचिका संख्या- 11003/ए/2025 डा० शिव चरन गौतम बनाम् उ०प्र०राज्य व अन्य में मा० उच्च न्यायालय द्वारा पारित आदेश 22.09.2025 के अनुपालन में डा० शिव चरन गौतम से प्रधानाचार्य पद का कार्य लेने एवं याची का ससमय वेतन देयक प्रस्तुत करने के लिए संस्था प्रबन्धक को कार्यालय के पत्र दिनांक 23. 12.2025 से नोटिस/निर्देश निर्गत किया गया था। विभागीय निर्देश एवं मा० उच्च न्यायालय के आदेश 22.09.2025 के अनुपालन हेतु कार्यालय के पत्रांक 10980-84/ 2025-26 दिनांक 05.01.2026 से संस्था के वेतन वितरण संयुक्त खाते को एकाकी परिचालन किया गया था। उक्त एकाकी परिचालन आदेश, अधोहस्ताक्षरी के हस्ताक्षरोपरान्त डिस्पैच होकर पत्रावली में संरक्षित रहा। उक्त एकाकी परिचालन आदेश का सम्बन्धित को ससमय वितरण/प्राप्ति हेतु अग्रोत्तर कार्यवाही नहीं की गयी, जिसके लिए आप एक सप्ताह के अन्दर अपना लिखित स्पष्टीकरण प्रस्तुत करें, तदनुसार आपके विरुद्ध अग्रिम कार्यवाही की जायेगी।

जिला विद्यालय निरीक्षक,  
बाराबंकी।


दिनांकित 2-4-26

पृष्ठांकन सं०/मा०/12-16/2026-27

प्रतिलिपि- निम्नलिखित की सेवा में सूचना एवं आवश्यक कार्यवाही हेतु प्रेषित।

1. मुख्य स्थायी अधिवक्ता, मा० उच्च न्यायालय खण्डपीठ लखनऊ।
2. शिक्षा निदेशक माध्यमिक, 18 पार्क रोड उ०प्र० लखनऊ।
3. संयुक्त शिक्षा निदेशक, अयोध्या मण्डल अयोध्या।
4. वित्त एवं लेखाधिकारी (मा०) शिक्षा, बाराबंकी।
5. वरिष्ठ कोषाधिकारी, बाराबंकी।
6. प्रबन्धक, सिटी इण्टरमीडिएट कालेज, बाराबंकी।
7. प्रधानाचार्य, सिटी इण्टरमीडिएट कालेज, बाराबंकी।

जिला विद्यालय निरीक्षक,  
बाराबंकी।



2-4-26

*5. On the request of Sri Ranvijay Singh, learned Additional Chief Standing Counsel, list this case on 15.4.2026.*

*6. On the next date, officer present today as well as Mohd. Saleem Khan, Senior Assistant, Office of D.I.O.S., Barabanki shall appear before this Court.*

*7. On the next date, salary register of the college in question be also placed before this Court by D.I.O.S., Barabanki."*

19. The record of Writ-A No. 14076 of 2025 also goes to show that a short counter affidavit was filed by Mr. O.P. Tripathi, DIOS, Barabanki on 16.03.2026, in para 16 of which, it is falsely mentioned that the order of single operation of the account of College was passed on 05.01.2026, which was communicated to the Institution. However, in his personal affidavit dated 02.04.2026, in Para 5, he admitted that the order of single operation dated 05.01.2026 was required to be sent to the Manager of the Committee of Management of the Institution along with other authorities, but the same was not sent by the dealing Assistant. It seems that Mr. Om Prakash Tripathi, DIOS, Barabanki, only with the intention to save his collar, is trying to shift his burden on the dealing Assistant of his Office.

20. Considering the above facts and discussions, this Court finds it a fit case for enquiry against the erring Officials for providing unjust favour to respondent no. 7. Accordingly, Director General, Special Task Force, U.P. is directed to ensure an enquiry against Dr. Shiv Charan Gautam, Principal of the College, Mr. O.P Tripathi, DIOS, Barabanki and Mr. Abhay Kumar s/o Sri Lalta Prasad, Resident of Village and Post Manjitha, Post Patmau, Block Banki, District Barabanki, and depute some

responsible Officer, not below the rank of Deputy Superintendent of Police for conducting inquiry and also submit a report to this Court expeditiously along with affidavit of compliance. It is also open to the Director, General S.T.F., U.P. to take proper assistance of any expert person for proper inquiry.

21. The Inquiry report be also placed before the Additional Chief Secretary, Department of Secondary Education, Lucknow and, in case, any criminal offence is found, then it is open to the Director, Special Task Force to initiate criminal proceedings against the erring Officer(s).

22. Since it is evident that Mr. Om Prakash Tripathi, DIOS, Barabanki tried to make interpolation in the record of dispatch register and filed a false affidavit, this Court finds it inevitable that he must be transferred to another place for the purpose of impartial inquiry. Therefore, Additional Chief Secretary, Department of Secondary Education, Lucknow is directed to transfer Mr. Om Prakash Tripathi to another place, forthwith.

23. It is also evident that Abhay Kumar-respondent no. 7 was allowed to resume the duties by the Principal of the College without any authority of law, under the fallacious order of the Joint Director, Secondary Education, Ayodhya Region, Ayodhya as well as District Inspector of Schools, Barabanki, the Additional Chief Secretary, Secondary Education, Lucknow is further directed to ensure disciplinary proceedings against the then Joint Director, Secondary Education, Ayodhya.

24. Since the re-engagement of respondent no. 7 was allowed by the Principal without any authority of law, the same is hereby held as *non-est*. Therefore, the State Government is

directed to ensure the recovery of the amount, which was given to respondent no. 7 from respondent nos. 3, 4, 6 and 7 forthwith and also inform to this court by way of an affidavit.

25. With the aforesaid observations and directions, the writ petition stands allowed.

26. However, before parting with the matter, it is worthy to note that this Court is observing on every now and then, in most of the cases related to the Education Department, especially in Secondary Education and Basic Education authorities are laying the orders/letters in their records mentioning that the copy of the same has been communicated to the concerned authorities. Moreover, the dispatch numbers are also mentioned in the dispatch Registers. However, these orders/letters have never been dispatched or served on the concerned authorities. The same situation is also lying with the Institutions. Apparently, in most of cases, the dispute arose due to non/mis-communication in between the Authorities and the Institutions.

27. In the above scenario, in order to correct these types of conjuncture, the Chief Secretary, Government of U.P. is directed to issue necessary directions to all the Authorities to ensure that the orders/letters issued must also be sent to registered E-mail as well as on Whatsapp numbers of the concerned Authorities/parties along with dispatching of the same in the form of hard copy.

28. The Senior Registrar of this Court is directed to communicate this order to Chief Secretary, Government of U.P., Additional Chief Secretary, Secondary Education, Department of Home, and Director General, Special Task Force, U.P. for necessary action forthwith.

29. List this case before this Court on 28.05.2026 only for the purpose of filing of compliance affidavit by the Authorities concerned.

**April 15, 2026**  
PS

**(Rajeev Singh,J.)**