2026:AHC:186152

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - A No. - 12781 of 2026

Mohd. Anzar Ahmed

.....Petitioner(s)

Versus

Principal Secretary Basic Education And 4 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Bhavesh Singh Jadaun, Mohd. Naushad Siddiqui, Saiyad Iqbal Ahmed
Counsel for Respondent(s)	:	C.S.C., Nagendra Kumar Pandey

Court No. - 52

HON'BLE MRS. MANJU RANI CHAUHAN, J.

Heard learned counsel for the petitioner, Mr. Nagendra Kumar Pandey, learned counsel for the respondent-BSA and learned Standing Counsel for the State.

The writ petition has been filed with the prayer to quash the impugned suspension order dated 10.05.2026 passed by respondent no.4 District Basic Education Officer, Sambhal.

On 19.08.2026, the following order was passed:-

"Heard learned counsel for the petitioner, Mr. Nagendra Kumar Pandey, learned counsel for the respondent-BSA and learned Standing Counsel for the State.

Learned counsel for the petitioner submits that the petitioner has been placed under suspension vide order dated 10.05.2026, making serious allegations that during the period when he was Incharge Headmaster, the students were performing Islamic prayers and were wearing such uniform indicating that they belonged to a special community. He further submits that the petitioner was on sanctioned medical leave for a certain period, as detailed in paragraph 9 of the writ petition, and accordingly, the activities as alleged did not take place during his tenure. Even if it is presumed that the petitioner was the Incharge Headmaster at the relevant point of time, the charges are not such as to warrant a major penalty, therefore, the

suspension order is bad in the eyes of law.

On the aforesaid, Mr. Nagendra Kumar Pandey, learned counsel for the respondent-BSA, prays for, and is granted, a week's time to obtain instructions in the matter.

Put up as fresh on 07.09.2026."

In compliance of the aforesaid order, on the basis of instructions passed on to the Court today, which are kept on record, learned counsel for the respondent-BSA submits that a charge-sheet dated 03.09.2026 has been served upon the petitioner today, i.e., 07.09.2026. He further submits that along with the charge-sheet, there are certain records in which it has been mentioned that, prior to 14.11.2025, the petitioner is visible at the prayer services where the students were performing Islamic prayers and were wearing uniforms indicating that they belonged to a special community.

Learned counsel for the petitioner submits that it is clear from the records that the petitioner was admitted in the hospital for treatment, and medical leave was sanctioned to him during the relevant period. It is submitted that the leave application/status has already been annexed at page 53 of the writ petition. Learned counsel for the petitioner vehemently submits that the petitioner was never present during the prayer services when the aforesaid activities were carried out by the students.

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

In view of the aforesaid, this writ petition is **disposed of** with a direction that the enquiry initiated against the petitioner be brought to its logical conclusion, strictly in accordance with law, at the earliest, and preferably within a period of **15 days** from today.

Till conclusion of the enquiry, the impugned suspension order shall be kept in abeyance and shall abide by the final outcome of the enquiry.

Needless to say, all the relevant documents shall be provided to the petitioner within three days from today.

(Mrs. Manju Rani Chauhan,J.)

September 7, 2026
Rahul.

Digitally signed by :-
RAHUL GOSWAMI
High Court of Judicature at Allahabad