



2025:AHC-LKO:80552

A.F.R.

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

WRIT - A No. - 14000 of 2025

C/M , Chutki Bhandar Girls Inter College , Lko
Thru. Its Manager Pawan Verma And Another

.....Petitioner(s)

Versus

State Of U.P. Thru. Addl. Chief Secy. Secondary
Edu. Deptt. Lko And 5 Others

.....Respondent(s)

Counsel for Petitioner(s)	: Vikas Singh, Mahendra Bahadur Singh
Counsel for Respondent(s)	: C.S.C., Indra Pratap Singh

Court No. - 18

HON'BLE SHREE PRAKASH SINGH, J.

1. Heard Mr. M.B. Singh and Mr. Vikas Singh, learned counsels for the petitioners, Mr. Brijendra Singh, learned Additional Chief Standing Counsel for the State and Mr. Indra Pratap Singh, learned counsel for the opposite party no. 6.

2. By means of the present writ petition, the petitioners have assailed the order dated 26-09-2025 passed by the District Inspector of Schools-II, Lucknow, whereby the matter has been remitted back to the Committee of Management, while disapproving the recommendation of the Committee of Management, for dismissal of the services of the opposite party no. 6.

3. Briefly stated facts are that Chutki Bhandar Girls Intermediate College, Lucknow(hereafter referred to as 'College'), is recognized by the U.P. Intermediate Education Board and imparts education upto intermediate and the college receives grant-in-aid from the state government and the provisions of the U.P. Intermediate Education Act, 2021 as well as the U.P. High School and Intermediate College(Payment of Salary to the Teachers and Other Employees) Act,1971, are fully applicable on the teaching and non teaching staffs

of the college.

4. Factual matrix of the case are that Smt. Shubhra Pandey, took voluntarily retirement, who was working as adhoc principal and thereafter, opposite party no 6, Dr. Suman Shukla, who was working as Lecturer (Civics) in the college, was given the charge of the post of Principal, on officiating basis, on 01-03-2024 and her signatures were sent for approval and attestation, before the District Inspector of Schools (DIOS), which was returned by him, without any approval.

5. It is said that after the officiating charge was given to opposite party no. 6, her behaviour was observed as being rude and uncalled for and she has also started disobeying the instructions of the Committee of Management of the college. On several complaints received against the opposite party no. 6, the preliminary enquiry was instituted against her and thereafter, the Committee of Management in its meeting dated 13-07-2024, has unanimously resolved for handing over the charge to the another seniormost teacher, namely, Smt. Sunita on place of opposite party no. 6 and the opposite party no. 6 was directed to hand over the charge to Smt. Sunita, but, that was declined by her and she forcibly continued herself as officiating Principal and created unpleasant and awkward situation and thereafter looking into the unruly behaviour of opposite party no. 6, under the compelling circumstances, the Committee of Management suspended her and contemplated an enquiry proceeding and the papers regarding the approval of suspension have also been forwarded to the District Inspector of Schools, Lucknow for its approval, which was disapproved and being aggrieved, the Committee of Management instituted Writ A No. 8442 of 2025, wherein this Hon'ble Court passed the order, on 21-11-2025, whereby the order of disapproval dated 09-07-2025, passed by the District Inspector of Schools, has been quashed and the matter has been remitted back to the DIOS-II Lucknow to pass order afresh, which is still pending consideration.

6. Further, facts are that in the meanwhile, the Enquiry Committee constituted by the college of management for conducting enquiry

against the opposite party no. 6, completed the enquiry proceedings and submitted enquiry report, whereafter, the Committee of Management took a decision on 27-07-2025, for recommendation of the dismissal of services of opposite party no. 6, seeking approval/consent of the DIOS. In this regard, the entire papers including the proposal of the Committee of Management of the college dated 22-06-2025, was sent to the District Inspector of Schools vide letter dated 27-07-2025. On receiving the proposal/recommendation of the Committee of Management, the District Inspector of Schools issued notice on 14-08-2025, to the opposite party no. 6, the delinquent employee but without affording any opportunity and associating the petitioners, the order impugned dated 26-09-2025 has been passed, by which the recommendation for dismissal of the services of the opposite party no. 6 has been disapproved and the records sent by the Committee of Management has also been relegated back to the college. The order of disapproval passed by the DIOS-II, dated 26-09-2025, is challenged herein.

7. Contention put forth by learned counsel for the petitioners is that the Committee of Management after thoroughly considering the enquiry report, has resolved/recommended for dismissal of services of opposite party no. 6 and the same was sent to the DIOS-II, Lucknow with it's recommendation alongwith the relevant documents. He has specifically submitted that no dismissal order has finally been passed by the petitioners rather the recommendation/proposal of Committee of Management was sent for approval of the D.I.O.S. Further submission is that the DIOS-II, Lucknow, without hearing the Committee of Management, has remitted back the matter to the Committee of Management while disapproving the proposal/recommendation of the same, which caused great prejudice to the rights of the Committee of Management. He added that the order/letter dated 26-09-2025 is against the 'principles of natural justice' and therefore, the order dated 26-09-2025 does not stand on it's own legs and is liable to be quashed.

8. On the other hand, counsels for the opposite parties have refuted the contentions aforesaid and submitted that the present petitioners

have also approached this court by way of instituting Writ A No. 8442 of 2025 while assailing the disapproval of the suspension order of opposite party no. 6, passed by the DIOS, wherein the final Judgment and Order was passed on 21-11-2025 and the matter was remitted back to the DIOS-II, Lucknow to pass a fresh order while affording the proper opportunity of hearing to the petitioners as well as the opposite party no. 6 including the other stakeholders and he has raised doubt that the order has still not been placed before the DIOS concerned. They further submitted that there is no ambiguity or erroneousness in the order dated 26-09-2025, assailed herein this writ petition, thus, no interference is warranted.

9. In addition, they argued that unless the DIOS-II, Lucknow takes a decision in compliance of the order dated 21-11-2025, passed in Writ A No. 8442 of 2025, on the approval of the suspension order of the opposite party no. 6, no further proceeding can go on regarding any recommendation/proposal made by the Committee of Management, thereof.

10. Upon considering the submissions of learned counsels for the parties and after perusal of records, it emerges that the petitioners have assailed the order of disapproval of the recommendation of the Committee of Management/petitioners for dismissal of services of opposite party no. 6.

11. It is also contended before this court, that since this court earlier, vide Judgment and Order dated 21-11-2025, passed in Writ A No.8442 of 2025, directed the DIOS-II, Lucknow to take a fresh decision, on the proposal/recommendation of the suspension of the opposite party no. 6, therefore, no decision could be taken further, unless the decision in compliance of the order dated 21-11-2025, is taken by the DIOS-II, Lucknow.

12. This court finds that disapproval of the recommendation of the suspension of the services of the opposite party no. 6 was under challenge in Writ A No. 8442 of 2025 and there was certain reason for reaching to the conclusion to quash the order of disapproval passed by the DIOS-II, Lucknow, whereas in the present matter, the

recommendation of the Committee of Management for dismissal of the services of the opposite party no. 6 which has been disapproved, is under challenge, which is altogether different stage, as there is no restriction that unless the suspension order is approved or disapproved, no further proceeding or any enquiry can go on and therefore, when the enquiry has been concluded by the Committee of Management and the proposal/recommendation is made for dismissal of the services of the opposite party no. 6, the District Inspector of Schools is empowered to consider the same, under the provisions of section 16 G 3(a)(b) of the Act, 1921 readwith Regulations.

13. The provision with respect to the removal, dismissal or discharge from service and reduction in rank etc. has been provided under 16 G(3)(b) of the U.P. Intermediate Education Act, 1921(hereafter referred to as 'Act, 1921'), which reads as under:-

"16-(G)(3)(b) The Inspector may approve or disapprove or reduce or enhance the punishment or approve or disapprove of the notice for termination of service proposed by the management:

Provided that in the cases of punishment, before passing orders, Inspector shall give an opportunity to the Principal, the Headmaster or the teacher to show cause within a fortnight of the receipt of the notice why the proposed punishment should not be inflicted."

14. Further, the Regulations 31 to 45, of Chapter III of the 'Regulations', prescribes the provision regarding the punishment, enquiry and suspension of the employees. The relevant Regulations 35 & 37 are quoted hereinunder:-

"35. शिकायत अथवा गम्भीर प्रकृति के आरोपों की प्रतिकूल आख्या प्राप्त होने पर समिति, अध्यापकों एवं अन्य कर्मचारियों के विषय में प्रधानाध्यापक अथवा आचार्य अथवा प्रबन्धक को जाँच अधिकारी नियुक्त करेगी (अथवा प्रबन्धक स्वयं जाँच करेगा यदि समिति द्वारा नियमों के अन्तर्गत उसे यह अधिकार प्रतिनिहित हो गये है) और प्रधान अध्यापक अथवा आचार्य के विषय में एक छोटी उपसमिति होगी जिसे आख्या यथाशीघ्र प्रस्तुत करने के निर्देश होंगे।

चतुर्थ श्रेणी के कर्मचारियों के सम्बन्ध में प्रधानाचार्य / प्रधानाध्यापक द्वारा किसी वरिष्ठ अध्यापक को जाँच

अधिकारी नियुक्त किया जायेगा।

37. जाँच-अधिकारी से कार्यवाही की आख्या तथा संस्तुति प्राप्त होने के बाद शीघ्र ही कर्मचारी को नोटिस देने के बाद प्रबन्ध समिति की बैठक कार्यवाही की आख्या तथा संस्तुति पर विचार करने के लिए होगी और उस मामले पर निर्णय लेगी। कर्मचारी को, यदि वह चाहता है समिति के समक्ष स्वयं उपस्थित होने की आज्ञा दी जायेगी जिससे वह अपना अभियोग प्रस्तुत कर सके और बैठक में उपस्थित किसी सदस्य द्वारा पूछे गये किसी प्रश्न का उत्तर दे सके। तब समिति पूर्ण आख्या, समस्त सम्बन्धित कागज पत्र सहित निरीक्षक अथवा मण्डलीय निरीक्षिका को उसके द्वारा प्रस्तावित कार्यवाही को स्वीकृत हेतु प्रेषित करेगी।

किन्तु, चतुर्थ श्रेणी के कर्मचारियों के सम्बन्ध में निरीक्षक निरीक्षिका को स्वीकृति हेतु कोई आख्या नहीं भेजी जायेगी। इनके सम्बन्ध में उपरोक्त सारी कार्यवाही नियुक्ति प्राधिकारी द्वारा की जायेगी।"

15. The question, which is crop up herein for adjudication is that whether it is incumbent upon the District Inspector of Schools to issue notice to the Committee of Management or the same shall be heard after receiving the proposal/recommendation of the Committee of Management for dismissal of an employee from service or any punishment is awarded as prescribed under Section 16(G)(B) even the provision overtly does not prohibit so ?

16. When this court examines the aforesaid issue, it is apparent from the provision envisaged under 16 G(3)(b) of the 'Act,1921', that the Inspector may approve or disapprove or reduce or enhance the punishment or approve or disapprove of the notice for termination of the services, recommended/proposed by the Committee of Management, provided that in the cases of punishment, before passing orders,Inspector shall give an opportunity to the Principal, Headmaster or the Teacher to show cause within fortnight of the receipt of the notice, whereas, there is no provision has been prescribed in the event of the disapproval of the proposal of punishment of the Committee of Management for issuing notice or preceding opportunity to be heard.

17. The principle of natural justice recognized in the jurisprudence in all over word is known as '*Audi alteram partem*', which means that no one should be unheard and therefore, the first limb of this principle is to bring the issue in the notice of the person to whom the prejudice would be caused and therefore, the adequate opportunity is required

to enable such person (including the legal person) to represent. The reasonable opportunity of hearing, if lacking in any decision, the same vitiates the proceeding, wholly and therefore, it is necessary that a party should be served the notice before any adverse order is passed against the same. In fact, this principle was first time enumerated when the historic document was prepared at Runnymede in 1215, which is the first statutory recognition.

18. In the celebrated case of **Cooper Vs Wandsworths Board of Works (1863) 143 ER 414**, the following principle has been laid :-

“Even God himself did not pass sentence upon Adam before he was called upon to make his defence. ‘Adam’ (says God), ‘where are thou? Hast thou not eaten of the tree whereof, I commanded thee that thou shouldest not eat?’

19. In fact, the law of principle of natural justice developed with the intent to give the minimum protection to the rights of the individuals against the arbitrary act or the procedure in judicial, quasi judicial and administrative functioning and that subsequently stretched upto the person (legal entity), if prejudice is caused to the rights. It is trite law that there is implied applicability to the rules of natural justice unless statutory provision either specifically or by necessary implication excludes application of such rules, in any exercise of power prejudicially affecting another.

20. It is not out of place to mention the law rendered in the case of **Gorkha Security Services Vs Government (NCT of Delhi) and Others**, reported in **(2014) 9 Supreme Court Cases 105**, wherein, in paragraph no. **16**, it has been held as follows :-

"16. It is a common case of the parties that the blacklisting has to be preceded by a show-cause notice. Law in this regard is firmly grounded and does not even demand much amplification. The necessity of compliance with the principles of natural justice by giving the opportunity to the person against whom action of blacklisting is sought to be taken has a valid and solid rationale behind it. With blacklisting, many civil and/or evil consequences follow. It is described as “civil death” of a person who is foisted with the order of blacklisting. Such an order is stigmatic in nature and debars such a person

from participating in government tenders which means precluding him from the award of government contracts.

21. Again, in **Raghunath Thakur v. State of Bihar [(1989) 1 SCC 229]** the aforesaid principle has been reiterated in the following manner:-

“4. Indisputably, no notice had been given to the appellant of the proposal of blacklisting the appellant. It was contended on behalf of the State Government that there was no requirement in the rule of giving any prior notice before blacklisting any person. Insofar as the contention that there is no requirement specifically of giving any notice is concerned, the respondent is right. But it is an implied principle of the rule of law that any order having civil consequence should be passed only after following the principles of natural justice. It has to be realised that blacklisting any person in respect of business ventures has civil consequence for the future business of the person concerned in any event. Even if the rules do not express so, it is an elementary principle of natural justice that parties affected by any order should have right of being heard and making representations against the order. In that view of the matter, the last portion of the order insofar as it directs blacklisting of the appellant in respect of future contracts, cannot be sustained in law. In the premises, that portion of the order directing that the appellant be placed in the blacklist in respect of future contracts under the Collector is set aside. So far as the cancellation of the bid of the appellant is concerned, that is not affected. This order will, however, not prevent the State Government or the appropriate authorities from taking any future steps for blacklisting the appellant if the Government is so entitled to do in accordance with law i.e. after giving the appellant due notice and an opportunity of making representation. After hearing the appellant, the State Government will be at liberty to pass any order in accordance with law indicating the reasons therefor. We, however, make it quite clear that we are not expressing any opinion on the correctness or otherwise of the allegations made against the appellant. The appeal is thus disposed of.”

22. It has been so held in the abovesaid case that if there are civil consequences of any decision or order, such order/decision has to be preceded by a show cause notice.

23. The aforesaid principle has further been reiterated by the Hon'ble Apex Court in the case of **UMC Technologies Private Ltd. Vs Food Corporation of India and Another**, reported in **(2021) 2 Supreme Court Cases 551**. Paragraph no. 13 of the said Judgment is relevant, which is extracted as follows :-

"13. At the outset, it must be noted that it is the first principle of civilised jurisprudence that a person against whom any action is sought to be taken or whose right or interests are being affected should be given a reasonable opportunity to defend himself. The basic principle of natural justice is that before adjudication starts, the authority concerned should give to the affected party a notice of the case against him so that he can defend himself. Such notice should be adequate and the grounds necessitating action and the penalty/action proposed should be mentioned specifically and unambiguously. An order travelling beyond the bounds of notice is impermissible and without jurisdiction to that extent. This Court in Nasir Ahmad v. Custodian General, Evacuee Property [Nasir Ahmad v. Custodian General, Evacuee Property, (1980) 3 SCC 1] has held that it is essential for the notice to specify the particular grounds on the basis of which an action is proposed to be taken so as to enable the noticee to answer the case against him. If these conditions are not satisfied, the person cannot be said to have been granted any reasonable opportunity of being heard.

24. The Hon'ble Apex Court has held that the basic principle of natural justice is that before adjudication starts, the authority concerned should give to the affected party, a notice of the case, so that he could defend himself.

25. This court finds that the order dated 26-09-2025 has been passed, whereby the proposal/recommendation of dismissal of services of the opposite party no. 6, has been disapproved, which was sent after due consideration, by the Committee of Management. The Committee of Management after thoroughly considering the enquiry report, has come to the conclusion to propose/recommend the dismissal of the services of the opposite party no. 6 but the District Inspector of Schools admittedly has not given any notice to the Committee of Management, prior passing the order of disapproval

of the proposal of the Committee of Management. It is infact the Committee of Management, which plays key role in the day to day administration of any institution/college. Once the proposal is been disapproved,the repercussion would be that such, teacher/headmaster/headmistress,would work more spontaneously. Infact, in the present case, there was complaint regarding the rude and unruly behaviour of the opposite party no. 6 and if the Committee of Management is not given the proper opportunity of hearing so as to defend it's proposal/recommendation, which was infact passed/given after a thorough consideration, essentially, the prejudice would be caused to the Committee of Management.

26. In view of the aforesaid submissions and discussions, this court is of the considered opinion that in case, the Committee of Management recommends for discharge, removal, dismissal from service or reduce in rank or subjected to any diminution or emulation, in case of Principal, Headmaster or Teacher of the institution as per section 16 G(3)(a) of Regulations, prior passing the order of disapproval, such Committee of Management, shall be heard with preceding notice. The hearing should not be formal, but, it must be substantive.

27. Consequently, this court finds that the order impugned herein is against the first principle of law i.e. the 'principle of natural justice'. Ergo, the order impugned dated 26-09-2025 is hereby quashed.

28. The matter is remitted back to the District Inspector of Schools-II, Lucknow to take a fresh decision, on the proposal/recommendation of the Committee of Management, strictly adhering to the provisions of law and affording opportunity of hearing to Committee of Management, within the period of six weeks, from the date a certified copy of this order is produced before him.

29. With the aforesaid observations, the instant writ petition is hereby **allowed.**

December 4, 2025

AKS

(Shree Prakash Singh,J.)