



2026:AHC-LKO:33178

A.F.R.

Reserved

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

WRIT - A No. - 12286 of 2025

Dr. Gyanvati Dixit

.....Petitioner(s)

Versus

State Of U.P. Thru. Prin. Secy. Deptt. Of
Secondary Education Lko. And 4 Others

.....Respondent(s)

Counsel for Petitioner(s) : Avdhesh Kumar Pandey, Radhika
Varma, Shreshth Srivastava, Siddhartha
Kumar

Counsel for Respondent(s) : C.S.C., Ashutosh Singh

Court No. - 16

HON'BLE SHREE PRAKASH SINGH, J.

1. Heard Mr. Shreshth Srivastava and Mr. Ashutosh Kumar Shukla, learned counsels for the petitioner, Mr. Apoorva Tewari, learned Amicus Curiae, Mr. Brijendra Singh and Mr. Pradeep Kumar Singh, learned Additional Chief Standing Counsel for the State and Mr. Ashutosh Singh, learned counsel for the opposite party no. 5.

2. By means of the present writ petition, the petitioner has assailed the order dated 23-06-2025, whereby the District Inspector of Schools has approved the recommendation of the suspension of the petitioner made by the Committee of Management concerned.

3. Briefly stated facts are that the petitioner was appointed on the post of Lecturer(Hindi) in L.R.N.S. Inter College, Naimisharan, on 23-01-1993 and thereafter, on 22-08-2011, she was appointed as Principal at Shri Dayanand Rameshwar Prasad Hansrani Arya Kanya Inter College, Sitapur, in furtherance to the recommendation of the U.P. Secondary Education Service Selection Board, whereafter on 04-01-2019, the District Inspector of Schools passed an order for single hand operation in the college because of claim of rival groups of Committee of

Management and Mr. J.P. Mishra, Principal, District Institute of Education & Training was appointed as Authorized Controller and subsequently, Mr. Anil Kumar was inducted after the retirement of Mr. J.P.Mishra. The opposite party no. 5 recommended for several transfers of the teaching staff and since the strength had fallen down upto 33 from 58 sanctioned posts, therefore, the petitioner being the Principal came forward and written several letters i.e. on 03-07-2024, 25-07-2024 and 16-08-2024, with the request of indulgence in the matter by the opposite parties no. 2 to 4. In such scenario, the opposite party no. 5 under the state of annoyance, recommended the suspension, under section 16 (G) of the Uttar Pradesh Intermediate Education Act, 1921(hereinafter referred to as 'Act,1921'). While suspending the petitioner from the post of Principal, the instant reason was shown that one Smt. Rajrani was not reinstated in the service by the petitioner, whereas the fact is stated otherwise, as even after several communications given to Smt. Rajrani, she did not provide the requisite documents for verification.

4. The suspension order passed by the opposite party no. 5, was assailed by the petitioner before this court in Writ A No. 9746 of 2024, wherein this court vide Judgment and Order dated 05-11-2024, quashed the order of suspension dated 04-10-2024, impugned therein and the liberty was given to the competent authority to pass the fresh order.

5. The District Inspector of Schools, in compliance of the order aforesaid, has again issued the suspension order invoking the power under section 16(G) of the 'Act,1921' while suspending the petitioner from the post of Principal, which was again challenged by the petitioner before this court by instituting Writ A No. 11061 of 2024, whereupon vide Judgment and Order dated 27-11-2024, the same was dismissed and subsequently, on 20-12-2024, the District Inspector of Schools confirmed the suspension order, which was challenged in Writ-A No. 1059 of 2025, which was decided by the coordinate Bench of this court, by the final Judgment and Order dated 11-04-2025. The operative portion of the Judgment and Order dated 11-04-2025 is reproduced as under :-

“43. The Committee of Management is directed to supply all requisite documents including copy of the charge sheet dated 08.01.2025, which was served upon the petitioner on 15.01.2025, and also all the relevant documents in support of the charge

sheet to the District Inspector of Schools, Sitapur, within three weeks from today. The District Inspector of Schools shall thereafter fix date providing an opportunity of hearing to the petitioner as well as the Committee of Management within fifteen days and shall proceed to pass a fresh order within further period of fifteen days.”

6. Vide the aforesaid Judgment and Order, the suspension order dated 20-12-2024 has been quashed and matter was remitted back to the competent authority concerned to conclude the enquiry proceedings within fifty one days, whereafter, the impugned order dated 23-06-2025 was passed in seventy one days.

7. Contention put forth by the learned counsel for the petitioner is that the order impugned is arbitrary and unlawful. He submitted that vide Judgment and Order dated 11-04-2025, the particular period of time was fixed by this court, but, the competent authority has violated the time period prescribed and decided it within seventy one days, on place of fifty one days, which is impermissible as per the settled proposition of law.

8. Further submission is that without reaching to the exact determination, on the basis of presumptions only, the order impugned has been passed. He added that the charges levelled against the petitioner are prima-facie vague.

9. Concluding his arguments, he submitted that the opposite party no. 5 initiated the proceedings against the petitioner, being annoyed with the letters written by her, regarding repeated orders passed while giving consent for transfer of the teaching staff from the college, resulted into the scarcity of the staff, which came down from fifty eight to thirty one. He submits that the case of the petitioner is squarely covered with the ratio of Judgment and Order passed by the Hon'ble Apex Court in the case of **State of U.P. Versus Ram Prakash Singh**, reported in **2025 SCC Online SC 891** and more so, till date no subsistence allowance has been paid to the petitioner, which also vitiates the order impugned. Therefore, submission is that the order impugned is unsustainable in the eyes of law and the same is liable to be quashed.

10. Per contra, Sri Ashutosh Singh, learned counsel appearing for the opposite party no. 5 has opposed the contentions aforesaid and submitted

that after the Judgment and Order dated 11-04-2025 passed by this court in Writ Petition No. 1059 of 2025, the opposite party no. 5 has rightly proceeded in the matter and passed the order impugned. He argued that infact the proceeding has been concluded, after the period of time prescribed, without submitting an application for extension of time limit, but, that would not vitiate the proceedings automatically.

11. In support of his contentions, he has placed reliance on the Judgment and Order dated 06-07-2022 passed by the Hon'ble Apex Court in the case of **Union of India (UOI) and Ors Vs Sharvan Kumar**, (Civil Appeal No. 1942 of 2014 decided on 06-07-2022) and has referred paragraph nos. 9.1 to 11 of the said Judgment, which are quoted hereinunder :-

“9.1. It needs hardly any elaboration to say that fixing of the period of two months by the Tribunal in this case had only been to ensure expeditious proceedings because the matter was being restored for reconsideration in the year 2010, though the disciplinary proceedings related with the incident dated 09.01.2005. However, the said period of two months did not acquire any status akin to that of a statutory mandate that the disciplinary proceedings would have automatically come to an end with its expiry. It remains trite that if an Adjudicating Authority in exercise of its jurisdiction could grant or fix a time period to do a particular thing, in the absence of a specific statutory provision to the contrary, the jurisdiction to fix such a time period inhere the jurisdiction to extend the time initially fixed. Such conditional orders have regularly been construed by this Court to be in terrorem so as to put a check on the dilatory tactics by any litigant or to guard against any laxity on the part of the Adjudicating Authority but, the Court is not powerless to enlarge the time even though it had peremptorily fixed the period at any earlier stage. In the case of Mahanth Ram Das v. Ganga Das MANU/SC/0027/1961: (1961) 3 SCR, this court examined the peremptory order of the Court fixing the period of payment of deficit court fees in the backdrop of the fact that the application for extension of time came up for hearing only after the time fixed by the Court had expired and the application was rejected. This Court put the things in perspective while observing, inter alia, as under:-

5.....Such orders are not like the law of the Medes and the Persians. Cases are this and to have restored a suit or proceeding, even though a final order had been passed...

9.2. *We may elaborate a little. When a conditional order is passed by the Court/Tribunal to do a particular act or thing within a particular period but the order does not provide anything as to the consequence of default, the Court/Tribunal fixing the time for doing a particular thing obviously retains the power to enlarge such time. As a corollary, even the Appellate Court/Tribunal or any higher forum would also be having the power to enlarge such time, if so required. In any case, it cannot be said that the proceedings would come to an end immediately after the expiry of the time fixed.*

9.3. *In the present case, even the order dismissing the application for enlargement of time on a technical ground of not placing before the Tribunal instructions of the Railway Board, had again been not of giving any such status of mandatory and rigid character to the period originally fixed that the proceedings would have abated.*

10. *We are Impelled to observe that while treating the proceedings as having abated and as nullity, the High Court has ignored the fundamental principles that fixing of such time period was only a matter of procedure with an expectation of conclusion of the proceedings in an expeditious manner. This period of two months had not acquired any such mandatory statutory character so as to nullify the entire of the disciplinary proceedings with its expiry.*

10.1. *Moreover, when no consequence of default was stated in the order dated 03.09.2010, the period as stated therein was only of expectations and not of mandate. We may also observe that very many times, such fixing of time period causes more complications and harm rather than serving the cause of justice. Fixing of such period could only be justified if there are strong and compelling reasons for the same; and if at all such period is proposed to be fixed, not only the reasons for the same but, even the consequences of default are also required to be stated if such period is, for any valid reason, expected to operate with adverse consequences on the defaulter.*

11. *The upshot of the discussion foregoing is that the proceedings in question neither abated nor could have been considered nullity only because of passage of the expected time period stated in the order of the Tribunal dated 03.09.2010. There was no reason or justification for the High Court to interfere with the just and proper order passed by the Tribunal on 21.06.2013, which deserves to be restored with necessary consequential directions.”*

12. Referring the aforesaid, he submits that it has been held by the

Hon'ble Apex Court, while dealing with an identical issue that when the conditional order is passed, with the direction, to do a thing, in a particular manner or within the particular period, but, the consequences of default is not provided, the same would not have created the nullity of the proceeding or would have abated automatically.

13. He has also placed reliance on the Judgment rendered by the Full Bench of this court in the case of **Abhishek Prabhakar Awasthi Vs New India Assurance Company Limited & Others**, reported in **2014 (6) All LJ 662(FB)** and has referred paragraph no. 13, which is quoted hereinunder :-

“13. Undoubtedly, where the Court has stipulated a period of time by which a departmental enquiry has to be concluded, the stipulation as to time has to be observed. But it must be emphasized that the failure on the part of the employer to conclude the enquiry within the period so stipulated will not result in a situation where the enquiry must, in all cases, and for whatever reason, be regarded as being rendered without jurisdiction or a nullity upon the expiry of that period. The court which fixes time for completion of an enquiry equally has Jurisdiction to extend time for compliance. A stipulation of time in an order of the Court is not akin to a statute of limitation. In each case, it is for the court to determine as to whether the facts and circumstances are such as would warrant the grant of a further extension of time. The circumstances which would weigh with the Court would include the nature and complexity of the charge, the efforts which have been made for the conclusion of the enquiry, the reasons for the delay and the conduct of the parties in the course of the disciplinary proceedings. In Suresh Chandra v. State of M.P., a Special Leave Petition was filed before the Supreme Court against a judgment of the High Court setting aside an order of the Administrative Tribunal. The High Court had held that the disciplinary authority could not proceed with the enquiry after the lapse of the period granted to it by the Tribunal and that period having expired on 15 May 1999, the disciplinary authority could not proceed further with the enquiry. The Supreme Court set aside the judgment of the High Court and held that it was only fair to remand the matter to the Inquiry Officer to resume the disciplinary proceedings from the stage which was reached on 15 May 1999. The Supreme Court clarified that all proceedings taken before that date shall remain as they are and the disciplinary authority will proceed further to examine evidence and submit its report within the extended period as stipulated in the order of the Supreme Court. Thereafter, a period was fixed for the

disciplinary authority to pass its orders from the date of submission of the enquiry report. The judgment of the Supreme Court in Suresh Chandra's case recognizes the power which inheres in the court to extend the time which has been fixed for the completion of an enquiry for valid and cogent reasons.”

14. Emphasizing the above, he submits that the failure on the part of the employer to conclude the enquiry within the stipulated time period, would not render the enquiry proceedings nullity, upon expiry of the period, unless the consequences are provided.

15. He argued that so far as the Judgment and Order rendered in the case of **Ram Prakash Singh(Supra)** is concerned, there is no ultimate impediment for proceeding with the enquiry, as even then, the enquiry could be proceeded after obtaining the permission from the court concerned. Therefore, submission is that there is no illegality or ambiguity in the order impugned, thus, no interference is warranted.

16. Mr. Apoorva Tewari, learned Amicus Curiae appearing herein submits that in the case of Sharvan Kumar (Supra), it is held by the Hon'ble Apex Court that after fixing of period of time, where no statutory time period is prescribed under the statute, after the lapse of the time period, the disciplinary proceedings would not lapse automatically as the fixing of such time period is only expectations and not the mandate, except the consequences are provided of the default for any valid reason. He added that in the case of Ram Prakash Singh (Supra), the Hon'ble Apex Court has expressed it's opinion that no strait-jacket formula can be laid down for each case rather on the basis of gravity of the slackness for reaching the time, the suitable direction can be passed. He submitted that much emphasis has been drawn by the Hon'ble Apex Court in the case of Ram Prakash Singh(Supra) on dealing with the application for extension of time and the effect of non filing of the same. He contends that there is nothing contrary in the Judgment of Ram Prakash Singh (Supra) to the ratio of the Judgment of Sharvan Kumar (Supra), rather it is in furtherance to the earlier Judgment, while dealing with more issues.

17. Upon considering the submissions of learned counsels for the parties and after perusal of the records, it is apparent that the petitioner after her appointment in the year 1993, on the post of Lecturer(Hindi), kept on

working till the year 2024 without any complaint and her work and conduct was above board and her career was unblemished. The problem started when the college was put under the single hand operation in the year 2023 and the opposite party no. 5, Mr. Anil Kumar was appointed as Authorized Controller. The petitioner started writing letters since 03-07-2024 and she has been put under suspension on 04-10-2024. Repeatedly, this court has passed the order while quashing the order of suspension passed by the opposite party no. 5 with the direction to consider the matter afresh and ultimately, vide Judgment and Order dated 11-04-2025 passed in Writ A No. 1059 of 2025, the order was passed that the Committee of Management shall supply the requisite documents including the copy of the chargesheet within the period of three weeks and subsequent thereof, within further period of thirty days, the proceeding will be concluded and in furtherance thereof, the District Inspector of Schools proceeded in the matter and passed the order on 23-06-2025, which is impugned herein.

18. It is borne out from the submissions of learned counsel for the petitioner that the petitioner has challenged the order impugned mainly on the following three grounds:-

(i) First, that in the order impugned, it has been observed that the petitioner seems to be guilty ('दोष सिद्ध होना प्रतीत होता है,') which itself enough to show that the order impugned has been passed on conjuncture and surmises;

(ii) Secondly, that the charges levelled against the petitioner are vague and therefore, the petitioner could not have been placed under suspension.

(iii) And the third ground taken is, that the case of the petitioner is covered with the ratio of Judgment rendered by the Full Bench of this court in the case of **Abhishek Prabhakar Awasthi (Supra)** as well as the law held by the Hon'ble Apex Court in the case of **Ram Prakash Singh(Supra)** as the order dated 23-06-2025 has not been passed within the time stipulated by this court and even at the time of passing of the order, no application was moved for extension of time.

19. In view of the above, the following issues emerges for consideration :-

a. Whether there is any conflict in the ratio of the judgments of the Hon'ble Supreme Court in Union of India vs. Sharvan Kumar reported in 2022 SCC OnLine SC 2032 and State of U.P. vs. Ram Prakash Singh reported in 2025 SCC OnLine SC 891, in so far as it pertains to the effect of violation of a time limit prescribed by a judicial order is concerned?

b. If there is any conflict in the aforementioned two judgments which judgment should be taken as a binding precedent and followed by this Hon'ble Court?

20. The Hon'ble Supreme Court in the case of A.P. Electrical equipment corporation vs. Tehsildar and others reported in 2025 SCC OnLine SC 447 provides necessary guidance to deal with the situation where two decisions of the Hon'ble Supreme Court appear to lay down conflicting propositions. Para 35 of the report reads as under:

"35. If two decisions of this Court appear inconsistent with each other, the High Courts are not to follow one and overlook the other, but should try to reconcile and respect them both and the only way to do so is to adopt the wise suggestion of Lord Halsbury given in Quinn v. Leathern, [1901] A.C. 495 and reiterated by the Privy Council in Punjab Cooperative Bank Ltd. v. Commr. of Income Tax, Lahore AIR 1940 PC 230:

"..... every judgment must be read as applicable to the particular facts proved or assumed to be proved, since the generality of the expressions, which may be found there, are not intended to be expositions of the whole law, but governed or qualified by the particular facts of the case in which such expressions are to be found." and follow that decision whose facts appear more in accord with those of the case at hand."

21. It is thus apparent that in order to determine any conflict in the two decisions of the Hon'ble Supreme Court, their factual matrix is required to be considered.

22. Now coming to the case in hand, the brief factual matrix in the case of Union of India vs. Sharvan Kumar(supra) can be summarised as under:

a. Sharvan Kumar was removed from service of the railways vide

punishment order dated 23.02.2006;

b. The appellate authority by order date 23.08.2006 modified the penalty to that of downgrading the pay of Sharvan Kumar to the lowest stage, in the scale;

c. The revisional authority vide order dated 14.03.2007 declined to interfere with the appellate order;

d. Sharvan Kumar filed OA No. 373 of 2007 before the Central Administrative Tribunal, challenging the orders passed against him;

e. The Central Administrative Tribunal allowed OA No. 373 of 2007, vide judgment dated 03.09.2010 and set aside the punishment order, appellate order and the revisional order. The disciplinary authority was directed to hold the proceedings de-novo from the stage of consideration of the representation against the report of the enquiry officer. The exercise was to be completed within two months of receipt of the judgment;

f. The disciplinary authority moved an application for extension of time before the Central Administrative Tribunal which was dismissed on 03.01.2011, for the reason that the same was lacking in material particulars;

g. The disciplinary authority vide order dated 17.02.2011, imposed major penalty of removal from the railway service, upon Sharvan Kumar;

h. Sharvan Kumar filed OA No. 293 of 2011 before the Central Administrative Tribunal challenging punishment order dated 17.02.2011 inter alia contending that the proceedings had abated for having not been completed within the prescribed time limit of two months;

i. The Central Administrative Tribunal vide order dated 21.06.2013 dismissed the OA, filed by Sharvan Kumar, while holding that the proceedings would have abated only if it were so directed in specific terms. However, no such direction was made in the previous judgment;

j. Order dated 21.06.2013 passed by the Central Administrative Tribunal in OA No. 293 of 2011 was challenged in WPCT No. 330 of 2013 before the High Court, which was allowed by the Hon'ble High Court

vide judgment and order dated 30.08.2013;

k. The Hon'ble High Court observed that the disciplinary authority had no jurisdiction to complete the proceeding beyond the period prescribed by the Central Administrative Tribunal. The proceedings seeking enlargement of time were nullity in the eyes of law.

23. The judgment of the High Court dated 30.08.2013 was challenged before the Hon'ble Supreme Court and in the aforesaid factual background, the Hon'ble Supreme Court returned the following findings in its judgment in the case of Sharvan Kumar(supra):

"28. Having given thoughtful consideration to the rival submissions and having examined the record, we are clearly of the view that neither the approach of the High Court nor its conclusion could be endorsed. In other words, the propositions of the High Court, treating the proceedings in question as having abated or having been rendered nullity cannot be approved from any standpoint.

29. It appears that the High Court has taken the period of two months for completion of the proceedings, as stated in the order of the Tribunal dated 03.09.2010, to be an inflexible mandate as also of fatal consequence in the manner that after its expiry, the department could not have taken the disciplinary proceedings to their logical conclusion. This approach of the High Court cannot be supported even from a technical standpoint and obviously stands af conflict with the substance of the matter.

30. As noticed, after the respondent was awarded the penalty of removal from service by the order dated 23.02.2006 in conclusion of the disciplinary proceedings, he challenged the same and the Appellate Authority, by its order dated 23.08.2006, altered the penalty to that of downgrading his pay. The Revisional Authority by its order dated 14.03.2007 held that the negligence on the part of the respondent was established and found no reason to interfere. However, the Tribunal, in the earlier round of litigation, while dealing with OA No. 373 of 2007, chose not to examine the other material questions involved in the matter but, disapproved the imposition of penalty on the respondent for the reason that the person acting as the Disciplinary Authority had been one of the members who had earlier submitted the joint enquiry report. In this view of the matter, the Tribunal quashed the orders passed

against the respondent but, being conscious of the fact that the disciplinary proceedings were otherwise required to be taken to the logical conclusion, issued directions to ensure that the matter be dealt with by the Disciplinary Authority other than the person who had been a member of the joint enquiry team and the proceedings be taken up from the stage of consideration of representation of the respondent against the report of the Enquiry Officer. While concluding on the matter, the Tribunal also expected that such afresh exercise be completed within two months of the receipt of the order, after leaving all other contentions open. As noticed, the appellants attempted to seek enlargement of time in view of the fact that the exercise could not be completed within the said period of two months but, this prayer for enlargement was declined by the Tribunal not on its merits but, for a different reason that the particulars like the time-frame laid down by the Railway Board for taking the decision on the enquiry report was not stated before it. The said order expecting conclusion of the proceedings within two months from the date of receipt of copy of the order was passed on 03.09.2010: the application seeking enlargement was dismissed on 03.01.2011, and the Disciplinary Authority passed its order on 17.02.2011. Thus, the question was about the status of such order so passed by the Disciplinary Authority beyond the period fixed by the Tribunal which had not been enlarged. The Tribunal in its order dated 21.06.2013 held that the proceedings pursuant to the order dated 03.09.2010 would have abated only if it was so directed in specific terms and not otherwise. The Tribunal had been correct in this approach and, in our view, the High Court has unjustifiably interfered with the just and proper order passed by the Tribunal.

31. It needs hardly any elaboration to say that fixing of the period of two months by the Tribunal in this case had only been to ensure expeditious proceedings because the matter was being restored for reconsideration in the year 2010, though the disciplinary proceedings related with the incident dated 09.01.2005. However, the said period of two months did not acquire any status akin to that of a statutory mandate that the disciplinary proceedings would have automatically come to an end with its expiry. It remains trite that if an Adjudicating Authority in exercise of its jurisdiction could grant or fix a time period to do a particular thing, in the absence of a specific statutory provision to the contrary, the jurisdiction to fix such a time period inheres the

jurisdiction to extend the time initially fixed. Such conditional orders have regularly been construed by this Court to be in terrorem so as to put a check on the dilatory tactics by any litigant or to guard against any laxity on the part of the Adjudicating Authority but, the Court is not powerless to enlarge the time even though it had peremptorily fixed the period at any earlier stage. In the case of Mahanth Ram Das v. Ganga Das, (1961) 3 SCR 763, this Court examined the peremptory order of the Court fixing the period of payment of deficit court fees in the backdrop of the fact that the application for extension of time came up for hearing only after the time fixed by the Court had expired and the application was rejected. This Court put the things in perspective while observing, inter alia, as under 5 Such orders are not like the law of the Medes and the Persians. Cases are known in which Courts have moulded their practice to meet a situation such as this and to have restored a suit or proceeding, even though a final order had been passed.”

32. *We may elaborate a little. When a conditional order is passed by the Court/Tribunal to do a particular act or thing within a particular period but the order does not provide anything as to the consequence of default, the Court/Tribunal fixing the time for doing a particular thing obviously retains the power to enlarge such time. As a corollary, even the Appellate Court/Tribunal or any higher forum would also be having the power to enlarge such time, if so required. In any case, it cannot be said that the proceedings would come to an end immediately after the expiry of the time fixed.*

33. *In the present case, even the order dismissing the application for enlargement of time on a technical ground of not placing before the Tribunal instructions of the Railway Board, had again been not of giving any such status of mandatory and rigid character to the period originally fixed that the proceedings would have abated.*

34. *We are impelled to observe that while treating the proceedings as having abated and as nullity, the High Court has ignored the fundamental principles that fixing of such time period was only a matter of procedure with an expectation of conclusion of the proceedings in an expeditious manner. This period of two months had not acquired any such mandatory statutory character so as to nullify the entire of the disciplinary proceedings with its expiry.*

35. *Moreover, when no consequence of default was stated in the order dated 03.09.2010, the period as stated therein was only of expectations and not of mandate. We may also observe that very many times, such fixing of time period causes more complications and harm rather than serving the cause of justice. Fixing of such period could only be justified if there are strong and compelling reasons for the same, and if at all such period is proposed to be fixed, not only the reasons for the same but, even the consequences of default are also required to be stated if such period is, for any valid reason, expected to operate with adverse consequences on the defaulter.*

36. *The upshot of the discussion foregoing is that the proceedings in question neither abated nor could have been considered nullity only because of passage of the expected time period stated in the order of the Tribunal dated 03.09.2010 There was no reason or justification for the High Court to interfere with the just and proper order passed by the Tribunal on 21.06.2013, which deserves to be restored with necessary consequential directions."*

(emphasis supplied)

24. The factual matrix in the case of State of U.P. vs. Ram Prakash Singh(supra) can be summarised as under:

- a. Ram Prakash Singh was dismissed from service vide order dated 26.07.2010, passed by the Government of U.P..
- b. Ram Prakash Singh challenged the dismissal order dated 26.07.2010 before the U.P. Public Service Tribunal;
- c. The Tribunal set aside the dismissal order dated 26.07.2010 and directed de-novo enquiry from the stage of submission of the reply to the chargesheet. The de-novo enquiry was directed to be completed within a period of three months:
- d. The three months period stipulated by the tribunal for conducting the enquiry expired in April, 2014;
- e. The enquiry officer vide letter dated 16.05.2014 afforded Ram Prakash Singh to present any additional evidence within 15 days of receiving the said letter;
- f. On 23.05.2014, Ram Prakash Singh replied to the letter dated 16.05.2014, stating that due to the expiration of the time period

stipulated by the Tribunal and no extension of time being prayed, the proceeding against him lapsed;

g. Ram Prakash Singh vide letter dated 13.06.2014 reiterated that the enquiry officer had become *functus officio* and, in the absence of any extension granted by the Tribunal, had no authority to proceed;

h. Enquiry officer submitted an enquiry report dated 15.09 2014, holding Ram Prakash Singh guilty of all the charges;

i. The Government of U.P. issued a fresh order of punishment dated 24.03.2015 which reduced the pension of Ram Prakash Singh;

J. Ram Prakash Singh challenged the punishment order dated 24.03.2015 before the U.P. Public Service Tribunal;

k. The Tribunal vide judgement dated 12.11.2018 set aside the impugned order dated 24.03.2015, on various grounds, one of which was that before passing the final order of punishment permission should have been sought from the Tribunal. The Tribunal in support of the said finding placed reliance upon the full bench judgment of this Hon'ble Court in the case of *Abhishek Prabhakar Awasthy vs. New India Assurance Co. Ltd.* reported in 2013 SCC OnLine All 14267;

l. The State of U.P. challenged judgment dated 12.11.2018 of the Tribunal in a writ petition which was dismissed vide judgment dated 19.10.2019.

25. The judgment dated 19.10.2019 was assailed before the Hon'ble Supreme Court and the appeal came to be decided vide the judgment in the case of Ram Prakash Singh (*supra*). The Hon'ble Supreme Court framed five issues for consideration of which the issue relevant for the present case is as under: -

"(iv) whether the inquiry not having been completed within the time stipulated by the tribunal in its order dated 23rd January 2014, the disciplinary proceedings could have been continued beyond May, 2014?"

26. In the aforesaid factual background and while addressing relevant issue, the Hon'ble Supreme Court returned the following findings in its judgment in the case of Ram Prakash Singh(*supra*):

“62. While affirming the aforesaid view of the Full Bench, we would like to provide clarification on certain points not touched by such bench. First, in view of unseen institutional hurdles that can slow down swift action, it may not always be possible for the disciplinary authority in each such case where a fixed time has been stipulated by a tribunal/court to conclude the proceedings to apply and seek extension of time before expiry of such time although there can be no gainsaying that applying and obtaining an extension before expiry is eminently desirable. In exceptional cases, even after expiry of the stipulated time, such an application can be moved; and, depending on the cause shown for inability or failure to conclude the proceedings within the time stipulated and also for not applying for extension before expiry, the tribunal/court may, in its discretion, allow or reject the prayer for extension. If the application is rejected, the proceedings cannot be carried forward unless a superior court, reversing the order of rejection, permits the disciplinary authority to so proceed. Secondly, if the delinquent employee objects to continuation of proceedings beyond the time stipulated, the disciplinary authority without proceeding further ought to apply for extension of time and may not go ahead till such time its prayer for extension is granted on such application. Proceeding despite objection and without there being an extension could give rise to apprehensions of bias. Therefore, applying for extension upon halting the proceedings awaiting order on the application would be an advisable course of action to balance the interests of both the employer and the employee. Thirdly, even if the delinquent employee has not objected to continuation of proceedings beyond the time stipulated by the tribunal/court but before the final order is passed in the proceedings, the disciplinary authority would be bound to seek and obtain extension of time. This is for the simple reason that the sanctity of the orders of tribunals/courts cannot be disrespected by errant parties. The dignity of the judicial process would be seriously eroded and there would be nothing left of the rule of law if orders of tribunals/courts, validly made, are disobeyed and the disobedience is encouraged by being indulgent. Finally, we hasten to add that if tribunal/court stipulates a fixed time by which an enquiry or proceedings for disciplinary action ought to be concluded coupled with a rider that, in default, the enquiry/proceedings will stand lapsed, disciplinary authority in such a case would cease to have the jurisdiction to proceed further unless, of course, citing genuine grounds, a recall of such default clause is sought and obtained to proceed further in accordance with law.

63. We also hold that continuation of disciplinary proceedings beyond the time

stipulated by a tribunal/court could invite interdiction if no bona fide attempt is shown to have been made to seek an extension of time. However, much would depend on the facts of each case and it may not be possible to lay down a common formula applicable to each case. In an exceptional case, the tribunal/court would have the discretion to overlook the laxity and make such direction as it deems fit in the circumstances."

27. In order to answer the first question for consideration, in the present case is, as to whether there is any conflict in the ratios of the judgements in the case of Sharvan Kumar (supra) and Ram Prakash Singh (supra).

28. The ratio of the decision in Sharvan Kumar(supra) can be culled out in the following terms:

- a. When a conditional order is passed by the Court/Tribunal to do any particular act but the order does not provide consequences in case of default, the Court/Tribunal not only has the power to fix the time to do any particular thing but also retains the power to enlarge such time.
- b. As a result, even the Appellate Court/Tribunal or any higher forum would have the similar power to enlarge the time.
- c. The proceedings under any circumstance would not come an end immediately after the expiry of the time fixed.
- d. The period of time fixed by a Court or Tribunal does not acquire any mandatory statutory character so as to nullify the entire proceedings on its expiry.

29. The ratio of Ram Prakash Singh (supra) is in two parts. The judgement in the case Ram Prakash Singh (supra) vide paragraph 62 of the report approves the decision of the full bench of this court in the case of Abhishek Prabhakar Awasthy (supra). The full bench while answering Question no. (b) returned the following findings:-

- a. The court which has fixed a stipulation of time has jurisdiction to extend the time and it is open to the court, while exercising that jurisdiction, to consider whether the delay has been satisfactorily explained.
- b. The Court can suitably extend time for conclusion of the enquiry either in a proceeding instituted by the employee challenging the enquiry

on the ground that it was not completed within the stipulated period or even upon an independent application moved by the employer.

c. The Court has the inherent jurisdiction to grant an extension of time; the original stipulation of time having been fixed by the Court itself.

d. The extension of time has to be considered in the interests of justice balancing both the need for expeditious conclusion of the enquiry in the interests of fairness and an honest administration.

e. It would be open to the Court to extend time suo motu in order to ensure that a serious charge of misconduct does not go unpunished leading to a serious detriment to the public interest.

f. The Court has sufficient powers to grant an extension of time both before and after the period stipulated by the Court has come to an end.

30. The aforesaid findings of the full bench have been specifically approved by the Hon'ble Supreme Court in Ram Prakash Singh(supra). There is no discordance in the findings of full bench as approved in Ram Prakash Singh (supra) and the ratio of Sharvan Kumar (supra).

31. The Hon'ble Supreme Court in the case Ram Prakash Singh (supra) vide paragraph 62, has framed the following additional principles:

a. It may not always be possible for the disciplinary authority where a fixed time has been stipulated by a tribunal/court to conclude the proceedings to apply and seek extension of time. before expiry of such time although there can be no gainsaying that applying and obtaining an extension before expiry is eminently desirable.

b. In exceptional cases, even after expiry of the stipulated time, such an application can be moved; and, depending on the cause shown for inability or failure to conclude the proceedings within the time stipulated and also for not applying for extension before expiry, the tribunal/court may, in its discretion, allow or reject the prayer for extension.

c. If the application is rejected, the proceedings cannot be carried forward unless a superior court, reversing the order of rejection, permits the disciplinary authority to so proceed.

d. If the delinquent employee objects to continuation of proceedings beyond the time stipulated, the disciplinary authority without proceeding

further ought to apply for extension of time and may not go ahead till such time and its prayer for extension is granted.

e. Proceeding despite objection and without there being an extension could give rise to apprehensions of bias. Therefore, applying for extension upon halting the proceedings awaiting order on the application would be an advisable course of action to balance the interests of both the employer and the employee.

f. Even if the delinquent employee has not objected to continuation of proceedings beyond the time stipulated by the tribunal/court but before the final order is passed in the proceedings, the disciplinary authority would be bound to seek and obtain extension of time.

g. This is for the simple reason that the sanctity of the orders of tribunals/courts cannot be disrespected by errant parties. The dignity of the judicial process would be seriously eroded and there would be nothing left of the rule of law if orders of tribunals/courts, validly made, are disobeyed and the disobedience is encouraged by being indulgent.

h. If a tribunal/court stipulates a fixed time by which an enquiry or proceedings for disciplinary action ought to be concluded coupled with a condition that in default, the enquiry/proceedings will stand lapsed, the disciplinary authority in such a case would cease to have the jurisdiction to proceed further unless, genuine grounds are cited.

i. If no bona fide attempt is shown to seek an extension of time the continuation of disciplinary proceedings beyond the time stipulated by a tribunal/court could invite interdiction. However, much would depend on the facts of each case and it may not be possible to lay down a common formula applicable to each case.

j. In exceptional cases, the tribunal/court would exercise its discretion to overlook the laxity and make such direction as it deems fit in the circumstances.

32. It is settled law that judgments have to be understood in light of the peculiar facts of each case. The Hon'ble Supreme Court in the case Union of India vs. Major Bahadur Singh [(2006) 1 SCC 368] has laid down the following principles:

"9. *The courts should not place reliance on decisions without discussing as to how the factual situation fits in with the fact situation of the decision on which reliance is placed. Observations of the courts are neither to be read as Euclid's theorems nor as provisions of the statute and that too taken out of their context. These observations must be read in the context in which they appear to have been stated. Judgments of the courts are not to be construed as statutes. To interpret words, phrases and provisions of a statute, it may become necessary for judges to embark into lengthy discussions but the discussion is meant to explain and not to define. Judges interpret statutes, they do not interpret judgments. They interpret words of statutes: their words are not to be interpreted as statutes. In London Graving Dock Co. Ltd. v. Horton³ Lord MacDermott observed (All ER p. 14 C-D)*

"The matter cannot, of course, be settled merely by treating the ipsissima verba of Willes, J., as though they were part of an Act of Parliament and applying the rules of interpretation appropriate thereto. This is not to detract from the great weight to be given to the language actually used by that most distinguished judge...."

10. *In Home Office v. Dorset Yacht Co.⁴ Lord Reid said: (All ER p. 297g-h)*

"Lord Atkin's speech... is not to be treated as if it were a statutory definition. It will require qualification in new circumstances."

Megarry, J. in Shepherd Homes Ltd. v. Sandham (No. 2)⁵ observed (All ER p. 1274d-e) "One must not, of course, construe even a reserved judgment of even Russell, L.J. as if it were an Act of Parliament;" and, in Herrington v. British Railways Board⁶ Lord Morris said: (All ER p. 761c)

"There is always peril in treating the words of a speech or a judgment as though they were words in a legislative enactment, and it is to be remembered that judicial utterances are made in the setting of the facts of a particular case."

11. *Circumstantial flexibility, one additional or different fact may make a world of difference between conclusions in two cases. Disposal of cases by blindly placing reliance on a decision is not proper.*

12. *The following words of Hidayatullah, J. in the matter of applying precedents have become locus classicus (Abdul Kayoom v CITZ, AIR p. 688,*

para 19)

"19.... Each case depends on its own facts and a close similarity between one case and another is not enough because even a single significant detail may alter the entire aspect, in deciding such cases, one should avoid the temptation to decide cases (as said by Cardozo) by matching the colour of one case against the colour of another. To decide, therefore, on which side of the line a case falls, the broad resemblance to another case is not at all decisive,"

"Precedent should be followed only so far as it marks the path of justice, but you must cut the dead wood and trim off the side branches, else you will find yourself lost in thickets and branches. My plea is to keep the path to justice clear of obstructions which could impede it."

33. A meaningful reading of the ratio of Sharvan Kumar (supra) and the ratio of the full bench Judgment in Abhishek Prabhakar Awasthi(supra) as approved in Ram Prakash Singh(supra), would show that there is no inconsistency in the ratios of both the judgments. The findings of Sharvan Kumar (supra) are limited to the facts of that case, whereas, in Ram Prakash Singh (supra) the same principle is accepted, however additional principles have been laid down. The Hon'ble Supreme Court in Ram Prakash Singh(supra) has not returned any finding which can be said to be contradictory to the ratio of Sharvan Kumar(supra). As a matter of fact Ram Prakash Singh (supra) recognizes that no inflexible principle can be laid down for each case.

34. Thus, the issues (a) and (b) as framed above, are answered as under.

35. In case of Ram Prakash Singh(supra), it has been elaborated on the aspect of, how an application for extension of time is to be dealt with and the consequence of non-filing of the application for extension of time. Whereas in the case of Sharvan Kumar (supra), the findings were recorded in peculiar facts and circumstances as the application for extension of time was rejected on account of insufficient particulars. It's discernible that in the case of Ram Prakash Singh(supra), the court has taken into account a situation where no bona fide attempt is shown to have been made to seek an extension of time and vide paragraph 63 it has been made open for the courts to overlook the laxity in an exceptional case and make directions as it deems fit in the circumstances. There is no

inconsistency between the aforementioned two ratios. The judgment of Ram Prakash Singh (supra) recognizes the same aspect but elaborates on further principles, as regard grant of extension of time and the consequences of, not seeking extension, by showing sufficient cause, therefore the law laid down in the case of Ram Prakash Singh (Supra) is in conspectus of the Judgment of Sharvan Kumar(Supra).

36. So long as the issue in the present case is concerned, is that what would be the impact of the non adhering of the direction of the writ court dated 11-04-2025, passed in Writ A No. 1059 of 2025, whereby the time limit of fifty one days was fixed for taking the decision by the District Inspector of Schools.

37. As is borne out from the factual matrix and submissions of the leaned counsels for the parties that the matter admittedly could not be concluded within fifty one days rather the same has been concluded within seventy one days. It is noticed that no application for extension of time limit, prescribed by the court, has been moved, by the authority concerned, prior passing the order impugned dated 23-06-2025.

38. When this court examines the aforesaid issue in facts and law, the law laid by the Hon'ble Apex Court, in the case of Ram Prakash Singh (Supra) covers the field of the present case.

39. In the case of Ram Prakash Singh(Supra), while affirming the view rendered by the Full Bench in Abhishek Prabhakar Awasthi(Supra), of the Allahabad High Court, it is provided that it is not always possible for the disciplinary authority to follow the stipulated period to conclude the proceedings and therefore, it can seek for extension of time before expiry of such time limit. Stretching the consideration zone, it has also been held that in exceptional cases, after the expiry of the time limit, the application can be moved, but, that will depend on the discretion of the court concerned to accept or reject the request of extension of time in facts and circumstances of the case and at the same time, it has been provided that continuance of any disciplinary proceeding out of the stipulated period of time, can invite interdiction if there is no bonafide attempt made for seeking the extension of the time limit. The gist of the ratio is that the ultimate purpose of the disciplinary proceeding should not be held up because of the time limit framed by the court, without there being any

statutory time limit and therefore, the discretion has been opened to be exercised by the tribunals/courts concerned to apply it's mind to reconcile the issues in the facts and circumstances of the case.

40. In the instant matter, admittedly, the time period has become over than that of fixed by this court and no effort has been made to place any application before the court concerned for extension of the time limit prescribed.

41. I am of the considered opinion that so far as the factual matrix of the present case are concerned, in absence of any application for extension of time period, prior passing the order impugned, the said order stands vitiated. Consequently, the order impugned dated 23-06-2025 is unsustainable in the eyes of law, resultantly, the same is hereby quashed.

42. Since, it is well settled law that there can be no ultimate bar for extension of time limit, fixed by the court or the tribunal and therefore, the authority concerned is given liberty to proceed from the stage of filing of the fresh reply by the petitioner as well the other stakeholders in the matter.

43. The proceeding shall be concluded within the period of two months, from the date a certified copy of this order is produced before the authority concerned.

44. The writ petition is **allowed accordingly**.

(Shree Prakash Singh,J.)

May 8, 2026

AKS