

# **Smt. Kanchan Verma vs State Of U.P. And 2 Others on 1 May, 2025**

**Author: Saurabh Shyam Shamshery**

**Bench: Saurabh Shyam Shamshery**

HIGH COURT OF JUDICATURE AT ALLAHABAD

?Neutral Citation No. - 2025:AHC:68635

Court No. - 6

Case :- WRIT - A No. - 56944 of 2013

Petitioner :- Smt. Kanchan Verma

Respondent :- State Of U.P. And 2 Others

Counsel for Petitioner :- Brajesh Singh,Gaurav Kumar Chand

Counsel for Respondent :- Shravan Kumar Pandey

Hon'ble Saurabh Shyam Shamshery,J.

1. Heard Sri Gulrez Khan, learned counsel for petitioner and Sri Shashi Prakash Singh, learned Additional Chief Standing Counsel for State-Respondents.

2. This writ petition is pending since 2013 and the Court has passed following interim order on 25.10.2013:

?Heard learned counsel for the petitioner, learned standing counsel for the State-respondents and Sri Shravan Kumar Pandey, learned counsel representing the respondent nos.2 and 3.

All the respondents may file counter affidavit within a month. Petitioner will have two weeks thereafter to file rejoinder affidavit.

List after expiry for the aforesaid period.

By the impugned order dated 3.9.2013, the District Basic Education Officer, Auraiya, pursuant to the directions issued by this court in the earlier writ petition, has directed the petitioner to deposit the entire salary for the period from 30.10.2007 till 8.9.2009 along with interest so that further orders regarding revocation and reinstatement of the petitioner may be passed.

Sri R.K. Ojha, Learned Senior Counsel, assisted by Sri G.K. Chand, learned counsel appearing for the petitioner has submitted that on the own finding of the District Basic Education Officer as recorded in the impugned order, the order for recovery could not be passed. Admittedly the attendance register of the institution where the petitioner was working for the relevant period referred to above has not been made available and despite request of the petitioner a copy of the same was not provided to her and in the absence of the attendance register holding that the petitioner had not worked in the institution at the relevant time would be a finding based upon presumptions.

Apparently no action has been taken against the Headmaster of the institution where the petitioner was working during the relevant period for not producing the relevant record relating to the attendance of the petitioner. Prima facie case for interim order is made out.

Till further orders of this Court as an interim measure it is provided that the effect and operation of the impugned order dated 3.9.2013 directing the petitioner to deposit the amount of salary along with interest for the relevant period shall remain stayed.

It would be open to the District Basic Education Officer, Auraiya to consider the revocation of the suspension order temporarily and take work from the petitioner so that no financial burden is cast upon the State by unnecessarily paying the petitioner even subsistence allowance without work and ultimately if the petitioner succeeds she may be entitled to the entire salary without any work as the only charge against the petitioner is of having received salary without work which apparently cannot be established in the absence of record which admittedly is missing / not available.?

3. In aforesaid circumstances, District Basic Education Officer, Auraiya has passed order dated 14.10.2015 and relevant part thereof is mentioned hereinafter:

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4. The aforesaid order is placed on record after about 10 years by way of filing a supplementary affidavit on 06.02.2025. In the said affidavit petitioner has not declared that he has no knowledge of said order since this is an order whereby petitioner was reinstated as well as order is not under challenge, therefore, any submission that petitioner is still aggrieved from a portion of it is not acceptable.

5. At this stage, learned counsel for petitioner submits that this writ petition may be disposed of in terms of aforesaid order dated 14.10.2015 passed by District Basic Education Officer, Auraiya.

6. Learned Additional Chief Standing Counsel appearing for State-Respondents has no objection to aforesaid request.

7. In aforesaid circumstances, taking note that petitioner is not aggrieved by subsequent order dated 14.10.2015 whereby he was reinstated and since there is a statement made by learned counsel for petitioner on basis of instruction, therefore, this writ petition is disposed of in terms of order dated 14.10.2015. Consequently, impugned order dated 03.09.2013 is modified to the above extent.

Order Date :- 1.5.2025 AK