

Allahabad High Court

Smt. Rajbeti vs State Of U.P. & Others on 6 August, 2010

Court No. - 21

Case :- WRIT - C No. - 46461 of 2010

Petitioner :- Smt. Rajbeti

Respondent :- State Of U.P. & Others

Petitioner Counsel :- G. R. S. Pal

Respondent Counsel :- C. S. C.

Hon'ble V.K. Shukla, J.

Learned standing counsel has accepted notice on behalf of respondents. Counter affidavit, if any, may be filed by the next date fixed.

It has been contended on behalf of the petitioner that in the present case at no point of time any preliminary enquiry officer was appointed as is provided for under the first proviso to Section 95 (1) (g) of the U.P. Panchayat Raj Act, 1947, and further petitioner submits that report submitted to show cause notice, at no point of time had been served upon the petitioner. In pith and substance the action taken is contrary to principle of natural justice.

Issue which has been sought to be raised has already been referred to Larger Bench in Civil Misc. Writ Petition No. 60951 of 2009 (Madho Lal (Pradhan) Vs. State of U.P. and others) and Civil Misc. Writ Petition No. 49305 of 2009 (Het Kishan Vs. State of U.P. and others).

Aforesaid orders have been affirmed by Division Bench comprising Hon'ble Acting Chief Justice & Hon'ble A.P.Sahi in Special Appeal No. 528 of 2010 (Smt. Sabir Vs. State of U.P. and others) decided on 28.04.2010.

Consequently, connect this writ petition along with the record of aforesaid writ petitions.

Interim order which has been passed therein on the same term and condition, shall be extended to the petitioner also.

Order Date :- 6.8.2010 SRY