



HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - C No. - 22621 of 2025

Committee Of Management, Kashi Purva,
Madhyamik Vidhyalay, Hazipur, Bamhaur And
Another

.....Petitioner(s)

Versus

Assistant Director Of Education (Basic)
Azamgarh And 5 Others

.....Respondent(s)

Counsel for Petitioner(s) : Adarsh Singh, Indra Raj Singh
Counsel for Respondent(s) : C.S.C.

Court No. - 37

HON'BLE KSHITIJ SHAIENDRA, J.

1. Heard Shri Adarsh Singh, learned counsel for the petitioners and Shri I.P. Srivastava, learned Standing Counsel for the State-respondents on the application for interim relief.

2. It is contended that respondent no. 6 was working as an Assistant Teacher in the Institution run by the petitioner-Committee of Management. When the factum of his B.Ed. degree obtained from the State of M.P. being fake came to the notice, proceedings against him were initiated and, ultimately, in furtherance of orders passed by the Additional Director of Education (Basic), Azamgarh Region, Azamgarh and consequential order passed by the District Basic Education Officer, the petitioners terminated the services of respondent no. 6 by order dated 20.04.2017, which has attained finality.

3. Submission is that some intra departmental communications were exchanged between the Additional Director of Education (Basic) and District Basic Education Officer regarding recovery of salary earned by respondent no. 6 while working on his post as an Assistant Teacher and, on 20.09.2019, Finance and Accounts Officer, Azamgarh Region, Azamgarh communicated to the District Basic Education Officer that since services of respondent no. 6 had been terminated, therefore, he was not receiving salary from the office of District Basic Education Department, it is not possible to recover the amount from him. He also

opined that the recovery can be made by the District Administration as arrears of land revenue and for that purpose, administrative order has to be issued from the level of District Basic Education Officer.

4. Submission is that though no recovery appears to have been made by the State authorities or the officers of Education Department, a notice was issued to the petitioner calling upon it to explain as to why recovery has not been made and FIR has not been registered against respondent no. 6. Based upon the said notice, order has been passed appointing Authorized Controller in the Institution.

5. On previous dates in this matter, instructions were called from the learned Standing Counsel.

6. Learned Standing Counsel has produced instructions taking a stand that since the petitioners have failed to comply with the directions issued by the respondents qua registration of FIR and recovering the amount of salary from respondent no. 6, the respondents have rightly appointed the Authorized Controller.

7. *Prima facie*, I find that in the facts and circumstances of the case where respondent no. 6 ceases to be an employee in the institution of the petitioner and the Finance and Accounts Officer has requested the District Administration to proceed for recovery of amount as arrears of land revenue from respondent no. 6, the petitioners cannot be said at fault so as to occasion supersession of a duly elected Committee of Management by an Authorized Controller.

8. Matter requires consideration.

9. The respondents shall file counter affidavit within a period of **six weeks**.

10. Rejoinder affidavit, if any, may be filed within **next two weeks**.

11. List in **third week of July, 2026**.

12. **Until further orders of this Court**, the effect and operation of the impugned order dated 18.06.2025 passed by the [Assistant Director of

Education (Basic), Azamgarh Region, Azamgarh] (respondent no. 1) shall remain **stayed** and the respondents shall not cause any interference in the functioning of the petitioner-Committee of Management only for the reason of passing of the order impugned.

(Kshitij Shailendra,J.)

March 19, 2026

AKShukla/-