

**Court No. - 37**

**Case :-** WRIT - A No. - 9035 of 2021

**Petitioner :-** Brij Lal Yadav

**Respondent :-** State Of U P And 3 Others

**Counsel for Petitioner :-** Satish Chandra Dubey

**Counsel for Respondent :-** C.S.C.

**Hon'ble Alok Mathur,J.**

1. Heard Sri Satish Chandra Dubey, learned counsel for petitioner as well as Sri J.N. Maurya and Sri Birjesh Patap, learned counsel for respondent.

2. As directed by the earlier order Sri Devendra Kumar Gupta, District Inspector of Schools, Deoria has appeared before this Court.

3. On 27.10.2021, this Court has passed following order:-

*"This Court on 26.08.2021 passed the following order:-*

*"This Court on 02.08.2021 passed the following order:-*

*"Shri Rishi Kumar, learned Standing Counsel prays for and is accorded two weeks' time to obtain necessary instructions in the matter. While placing the instruction the Government order No.Five-136-Pra.Vi.Da./1972 Lucknow dated 17.7.1972 may also be produced.*

*Put up this matter again as fresh on 18.8.2021.*

*Learned Standing Counsel prays for and is granted four weeks further time to seek instructions in the matter.*

*If the instructions are not received by the next date fixed, the District Inspector of Schools, Deoria shall remain present before the Court and explain as to why gratuity of petitioner is withheld.*

*Put up as fresh on 06.10.2021."*

*Despite twice the Court has granted time to the learned Standing Counsel to seek instruction in the matter, but neither the instruction is supplied nor District Inspector of Schools, Deoria is present before the Court.*

*In this view of the fact, let bailable warrant be issued against respondent no.3-District Inspector of Schools, Deoria, through the C.J.M. concerned.*

*Let a copy of this order be sent to the C.J.M. concerned for compliance.*

*Put up as fresh on 18.11.2021."*

4. From the aforesaid order, it is clear that repeatedly, time was granted to the respondents to obtain instructions but the matter was adjourned in absence of the instructions which necessitated this Court to pass order dated 27.10.2021 issuing bailable warrants to District Inspector of Schools, Deoria. Pursuant to which he is present before this Court today.

5. An affidavit has also been filed by Sri Devendra Kumar Gupta, District Inspector of Schools, Deoria stating therein that instructions were given to the concerned clerk who according to him did not comply with the directions resulting in non-communication of the instructions to the learned Standing Counsel and consequently the same could not be placed before this Court.

6. It is stated that on two occasions when directions were issued by this Court for receiving instructions on both the occasions, the deponent had marked the file to the clerk leaving him responsible to deal with the matter and send the instructions.

7. He has further stated that it was in fact the clerk who is responsible for the dereliction of duties and consequently, the instructions could not be forwarded.

8. From the aforesaid affidavit, it is clear that the Sri Devendra Kumar Gupta, District Inspector of Schools, Deoria himself acted in most irresponsible manner where instead of either himself sending instructions as required by this Court or ensuring that the matter was looked into by the same sub-ordinate authority he should have ensured that proper instructions were sent to the said Standing Counsel. The affidavit clearly indicates the casual manner in which the order of this Court has been dealt with by the deponent and it is alarming that despite repeated orders even instructions are not sent to the Court. The explanation given in the said affidavit is totally unsatisfactory and is accordingly rejected.

9. In the particular circumstances of the case, let the Director, Education take action in the matter and pass appropriate orders after obtaining a reply from the deponent within a period of two months and inform this Court about the action taken by him.

10. The counter affidavit filed by respondent is taken on record.

11. List this case on 09.12.2021 as fresh in the supplementary list.

12. In light of the fact that counter affidavit has already been filed, the appearance of District Inspector of Schools, Deoria is dispensed with until further orders.

**(Alok Mathur, J.)**

**Order Date :- 25.11.2021**

Ravi/-