

**Court No. - 4**

**Case :-** WRIT - C No. - 28638 of 2021

**Petitioner :-** Indira Rai

**Respondent :-** State Of U P And 5 Others

**Counsel for Petitioner :-** Varun Kumar Srivastava, Sourabh Pathak

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

**Hon'ble Neeraj Tiwari, J.**

Supplementary affidavit filed today, is taken on record.

Heard learned counsel for the petitioner and Sri Sanjay Singh, learned Additional Chief Standing Counsel for State-respondents.

Learned counsel for the petitioner has assailed the impugned orders dated 27.2.2021 and 2.12.2019 passed by respondent nos. 2 and 3 respectively on the ground that he has not been provided copy of enquiry report dated 10.1.2014 and further no notice was issued by final enquiry committee constituted vide order dated 16.3.2016. Therefore, impugned orders are in violation of principle of natural justice and liable to be set aside.

Learned Standing Counsel fairly submitted that matter may be remanded back to respondent no. 3 to pass fresh order after providing opportunity of hearing to the petitioner.

Under such facts of the case, impugned orders dated 27.2.2021 and 2.12.2019 passed by respondent nos. 2 and 3 are hereby quashed and writ petition is **allowed**.

The matter is remanded back to respondent no. 3 to pass fresh order after providing copy of enquiry report dated 10.01.2014 and opportunity of hearing to the petitioner, maximum within a period of two months from the date of production of certified copy of this order. Petitioner is also directed to extend full cooperation to respondent no. 3 and in case of failure of that, it is open for respondent no. 3 to pass appropriate order after recording the reasons.

**Order Date :-** 9.11.2021

Arvind