



HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - A No. - 10465 of 2019

Uphar Kushwaha

.....Petitioner(s)

Versus

State Of U.P. And And 3 Others

.....Respondent(s)

Counsel for Petitioner(s)	: Ashok Kumar Yadav, Siddharth Khare
Counsel for Respondent(s)	: Ashok Kumar Yadav, C.S.C., R. A. Akhtar, Rijwan Ali Akhtar

Court No. - 52

HON'BLE MRS. MANJU RANI CHAUHAN, J.

Ref:- Civil Misc. Withdrawal Application No.4/26

Heard learned counsel for the petitioner and Mr. Shailendra Singh, Advocate holding brief of Mr. K. Shahi, learned counsel for the respondent nos.3&4.

An application for withdrawal of the writ petition has been filed.

Learned counsel for the petitioner submits that the grievance of the petitioner has since been settled and, therefore, he does not wish to press the present petition. He prays that the petition may be permitted to be withdrawn as not pressed.

The Court has perused the record. The present petition was instituted challenging the order dated 25.02.2018 passed by the Basic Shiksha Adhikari, Prayagraj, with a further prayer to restrain the respondents from interfering with the functioning of the petitioner as an Assistant Teacher in the Junior Basic School run by the Board of Basic Education in the district of Prayagraj and to direct payment of his regular monthly salary on the said post.

The order-sheet reveals that the matter was taken up on as many as ten occasions commencing from 19.07.2019. On 18.11.2019, an interim order was passed staying the operation of the impugned order dated 25.02.2019 until further orders. Thereafter, on 02.01.2020, the matter was passed over

at the request of learned counsel for the petitioner. The matter has thereafter remained pending, and now, after an inordinate lapse of nearly six years, learned counsel for the petitioner seeks permission to withdraw the writ petition on the ground that the grievance has been settled.

This Court, while exercising its jurisdiction, has noticed with serious concern that in a number of matters, writ petitions are sought to be withdrawn after the passage of several years, at a stage when pleadings have already been exchanged and the matters have remained pending pursuant to interim orders. In the present case also, learned counsel for the petitioner seeks withdrawal of the petition after an inordinate lapse of time, merely stating that the grievance of the petitioner has been settled.

What is conspicuously absent, however, is any disclosure as to in what manner the alleged grievance has been settled. No order or document has been placed before the Court to demonstrate that the impugned order challenged in the writ petition has been withdrawn, recalled or otherwise rendered ineffective. In the absence of any such material, the bald assertion that the grievance has been settled cannot be accepted at its face value, particularly when the petition has remained pending for years and the pleadings have already been exchanged.

This Court cannot lose sight of the disturbing circumstances prevailing in the Basic Education Department, where allegations of corruption and illegal gratification are frequently brought to its notice. The Court is, therefore, of the considered view that where an order challenged before this Court is sought to be rendered infructuous during the pendency of the proceedings, the circumstances in which such order has allegedly been withdrawn or the grievance otherwise settled must be placed on record and duly explained by the competent authority. The process of the Court cannot be permitted to be frustrated by a subsequent, unexplained administrative action.

In these circumstances, this Court has no option but to direct the District Basic Education Officer, Prayagraj, to file his personal affidavit explaining, in clear and unambiguous terms, (i) as to how and in what manner the grievance of the petitioner has allegedly been settled; (ii)

whether the impugned order challenged in the present writ petition has in fact been withdrawn, recalled, modified or otherwise annulled; (iii) if so, the date and authority by which such action has been taken; and (iv) to place on record a copy of the order or document pursuant to which the petitioner claims that his grievance stands settled.

The personal affidavit shall also disclose the circumstances in which the subsequent decision, if any, came to be taken and the officer responsible for passing the same.

List this case on 10.09.2026.

Learned counsel for the respondent-BSA as well as the Registrar Compliance shall ensure the compliance of this order.

(Mrs. Manju Rani Chauhan,J.)

August 20, 2026

Jitendra/-