

Court No. - 34

Case :- WRIT - A No. - 19553 of 2023

Petitioner :- Dr. Uma Shankar Singh

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

Counsel for Petitioner :- Prabhakar Awasthi, Sanjay Kumar Yadav

Counsel for Respondent :- C.S.C., Gopal Ji Rai

Hon'ble J.J. Munir, J.

On 02.12.2023, the following order was passed:

"Vakalatnama has been filed by Shri Gopal Ji Rai, learned counsel on behalf of respondent No. 4 is taken on record.

Since a writ of certiorari is being sought for quashing of an order of the District inspector of Schools, Ballia approving the suspension of the writ petitioner, let Shri Gopal Ji Rai as well as learned Additional Chief Standing Counsel, Shri Santosh Kumar Shukla seeks instructions in the light of the subsequent events as portrayed in page 132 of the paper-book.

Put up this case as fresh on **07.12.2023**.

When the matter is next listed, showing the name of Shri Gopal Ji Rai as learned counsel for the respondent No. 4."

Again on 07.12.2023, the following order was made:

"1. Sri Ratan Deep Mishra, learned Standing Counsel seeks further time to seek instructions in the light of the order dated 2.12.2023.

2. On his request, matter is adjourned.

3. **Put up this case on 19.12.2023 as fresh."**

Still again on 19.12.2023, the following order was made:

"Sri Santosh Kumar Shukla, learned Additional Chief Standing Counsel seeks time to obtain instructions as according to him the instructions which he possesses under the signature of the District Inspector of Schools, Ballia dated 8.12.2023 are thoroughly incomplete. He seeks further time.

Put up this case on **21.12.2023** as fresh."

And on 05.01.2024, the following order was recorded.

"Sri Gopal Ji Rai, learned Advocate appearing for respondent no. 4 as well as learned Standing Counsel, who has accepted notice on behalf of respondent nos. 1 to 3, pray for and are granted two

weeks' time to file counter affidavit. Rejoinder affidavit, if any, may be filed within a week thereafter.

List on 29.01.2024."

This matter has been taken up on a mention made in the morning that on the second day of December, 2023, the District Inspector of Schools, Ballia was ordered to file a counter affidavit, which he has not done till date.

There is a wholesome blame placed on the judicial system for delays. The litigants are 75% of the contributors who seek adjournments or otherwise fail to fulfill their part in the process. The State litigants are, particularly, negligent in such matters, like the District Inspector of Schools here, because they harbour an impression that whatever happens to the case would not prejudice them personally. There is a culture rife amongst the litigants who are officials of the State to be non-chalant about the process of Court. They are often heard to say that whatever happens how does it affect them.

This attitude of litigants in general and official litigants in particular goes a long way to contribute to the delay in Courts. To top it all, the slightest of enforcement of the process of Court made makes these officials litigants rattle and object to the orders of the Court by invoking appellate mechanisms not against our orders but against processes directed to ensure that the case ripens for hearing and the proceedings stay on schedule. The present case is also one of the same instances.

In the circumstances, let the District Inspector of Schools, Ballia file his counter affidavit in compliance with the order dated 02.12.2023 **on or before 15.04.2024**, without fail. If he does not, he will appear in person before this Court and show cause why appropriate orders be not made against him.

If, however, he files the requisite affidavit, it will be taken on record subject of course to such orders as to costs which this Court may make recoverable from him personally. He would have a right to show cause against the proposed imposition of costs also.

List this writ petition on **15.04.2024**.

Let this order be communicated to the District Inspector of Schools, Ballia through the Civil Judge (Senior Division), Ballia by the Registrar (Compliance) **today**.

Order Date :- 9.4.2024

Prashant D.