IN THE HIGH COURT OF JHARKHAND AT RANCHI

W.P.(S). No. 4805 of 2024

Randhir Kapoor aged about 48 years son of Late Ramjee Prasad resident of H 70, Patel Nagar Sector-1, Patel College, Dhurwa, P.O-Dhurwa, P.S- Jagarnathpur, District- Ranchi (Jharkhand).

……. **Petitioner**

Versus

1. State of Jharkhand
2. The Secretary, School Education Department & Literacy Department, Government of Jharkhand, M.D.I Building, PO & P.S-Dhurwa, Ranchi.
3. Additional Secretary School Education & Literacy Department, Government of Jharkhand, M.D.I building, P.O & P.S- Dhurwa, Ranchi.
4. State Project Director, J.E.P- Council, Jharkhand Education Project Council, Sector-III, P.O & P.S-Dhurwa, Ranchi.
5. Director, Primary Education, office at M.D.I building, P.O-Dhurwa, P.S- Jagarnathpur, Dist.- Ranchi.
6. District Education Officer, Ranchi Cum District Programme officer, office at Sector-III, P.O & P.S -Dhurwa, Ranchi
7. District Superintendent of Education -Cum- Additional District Programme officer, office at Sector-III, P.O & P.S -Dhurwa, Ranchi
8. Block Education Extension Officer, Ranchi Sadar, Kucthery Road, P.O- Kucthery, P.S- Kotwali, Dist.- Ranchi-1.
9. Regional Education officer, Ranchi Sadar, office at Kucthery Road, P.O- Kucthery, P.S- Kotwali, Dist.- Ranchi.

……. **Respondents**

CORAM: **HON'BLE MR. JUSTICE DEEPAK ROSHAN**

For the Petitioner : Mr. Amresh Kumar, Advocate
For the Respondents : Mr. Zaid Imam, AC to SC-VII
Mr. Zeeshan Ahmad Khan, AC to SC-VII

06/ 30.06.2026 The instant application has been preferred by the petitioner praying therein for quashing of the office order dated 15.07.2024, issued by the District Superintendent of Education-cum-Additional District Programme Officer (Annexure-3), whereby the 7th respondent has dismissed the petitioner from his service from the date of issuance of office order dated 15.07.2024.

2. Learned counsel for the petitioner assails the impugned order on two grounds; firstly, on the ground of jurisdiction and secondly, on the ground of non-compliance of principles of natural justice. It has been submitted by learned counsel for the petitioner by

referring to the impugned order (Annexure-3), that this impugned order has been issued by the District Superintendent of Education-cum-Additional District Programme Officer; whereas, as per the notification dated 14.02.2022, the competent authority/ administrative-cum-disciplinary authority is the Panchayat and Block Education Committee; as such, the order passed by the District Superintendent of Education is against the notification dated 14.02.2022, which is known as the *Jharkhand Assistant Teacher Service Condition Rules, 2021*.

3. Learned counsel further contended that on the complaint of a girl, petitioner has been terminated and that too without issuance of any show-cause notice. Learned counsel lastly submits that though the petitioner was under contractual engagement, however, the law is well settled that any order of termination being stigmatic in nature and having far reaching effect must be passed by following principle of natural justice, which is absent in the instant case.

4. Learned counsel appearing for the respondent-State submits that the allegation was very serious and initially the State had requested the School Committee to take action against the petitioner but since they did not undertake any action, the concerned authority i.e. the District Superintendent of Education was forced to terminate the petitioner for the safety of the students.

5. Learned counsel appearing for the respondent-JEPC submits that during enquiry, the petitioner has accepted his guilt; however, original records were called for by this Court in order to see as to whether the petitioner has accepted the allegation levelled against him. However, learned counsel for the respondent-State has failed to demonstrate to show from the original records, save and except the impugned order, that the petitioner has accepted his guilt.

6. Having heard learned counsel for the parties and after going through the impugned order, there are two grounds to interfere with the same.

i) The impugned order has been passed by the District Superintendent of Education, however, as per the Rules of 2021, the Administrative-cum-Disciplinary Authority is Panchayat-cum-Block Education Committee.

During course of hearing, learned counsel for the respondent-JEPC submitted that after amendment; when the school is situated in municipal area, then the Municipal Council will be competent authority.

Thus, in both the cases, admittedly, the authority who has passed the order was not having jurisdiction.

ii) The next aspect of the matter is that since the impugned order is stigmatic in nature, inasmuch as, there is an allegation of bad touch as per the complaint of a girl; as such, without holding any enquiry and without issuance of any show-cause, the action of terminating the petitioner is bad in law.

7. Accordingly, the instant Writ application is allowed. The petitioner shall be reinstated in service forthwith. Thereafter, the disciplinary authority is directed to start a *de novo* enquiry looking to the allegation made against the petitioner and the said enquiry shall follow the principles of natural justice and after giving due opportunity to the petitioner and following other principles of service condition, a fresh order be passed.

8. It goes without saying that the remand proceeding shall be concluded within a period of four months from the date of receipt/production of a copy of this order.

9. The argument of petitioner with regard to back wages has not been considered at this stage in view of the fact that the matter is remitted to the competent authority to pass a fresh order.

(Deepak Roshan, J.)

30th June, 2026
Kunal/-
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