

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1094 of 2015

IN

Civil Writ Jurisdiction Case No. 3613 of 2015

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1. Smt. Manju Devi W/o Mr. Surendra Prasad R/o Village - Ranni (Pancholi), P.O.
- Mahrur, P.S. - Dinara, District - Rohtas.

.... Appellant/s

Versus

1. The State of Bihar.
2. The Principal Secretary, Education Department, Govt. of Bihar, Patna.
3. The Director, Primary Education, Govt. of Bihar, Patna
4. The District Education Officer, Rohtas.
5. The District Programme Officer (Estt.), Rohtas.
6. The Block Education Officer, Dinara, District - Rohtas.
7. The Executive Officer-cum-Secretary, Block Teacher Appointment Committee,
Dinara, District - Rohtas.
8. Gulab Chand Sah S/o - Banmeari R/o Village - Karanj, P.S. - Dinara, District -
Rohtas.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Rajeev Kumar Singh

For the Respondent/s : Mr. Anil Kumar Sinha, G.A.9

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CORAM: HONOURABLE THE ACTING CHIEF JUSTICE

and

**HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN
SINGH**

ORAL JUDGMENT

**(Per: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN
SINGH)**

Date: 02-12-2015

Invoking Clause 10 of the Letters Patent of Patna High Court, the appellant has preferred the present appeal, questioning the legality of the order, dated 27.04.2015, passed in CWJC No. 3613 of 2015, whereby a learned single Judge of this Court has refused to interfere with the order, dated 31.01.2015, putting the appellant under suspension and initiating a departmental proceeding against her.

2. The appellant, at the relevant point of time, was working as Block Teacher -cum- Incharge Headmistress, upgraded Middle School, Karanj, in the District of Rohtas. On the charge of misappropriation of public money, it was decided to put her under suspension and initiate against her a departmental enquiry by an order, dated 31.01.2015.

3. Aggrieved by the said order, the appellant preferred an application under Article 226 of the Constitution of India, giving rise to CWJC No. 3613 of 2015, mainly on the ground that the said order was issued at the dictate of the District Programme Officer, Primary Education & Survey Siksha Abhiyan, Bihar Education Project, Rohtas at Sasaram. The appellant took a plea in her said application before this Court that the Executive Officer-cum-Secretary, Block Teacher Appointment Committee, Dinara, was the competent authority to put the appellant under suspension, but he, in the present case, has acted under the orders of the District Programme Officer (Respondent No.5), who had no jurisdiction in the matter.

4. Mr. Rajiv Kumar Singh, learned counsel appearing on behalf of the appellant, has reiterated the submissions and the stand taken by the appellant, in the writ proceeding, before us in the present case.

5. We have perused the order, dated 31.01.2015. It is evident from a careful reading of the said order that the District

Programme Officer had sent the matter to the said Block Teachers Employment Committee, Dinara, recommending disciplinary action against the appellant, which was duly considered by the Committee concerned in its meeting held on 20.01.2015. It is apparent from the said order that the Committee did not act merely on the basis of the recommendations of the District Programme Officer; rather, it took its independent decision upon considering the said recommendation made by the District Programme Officer. The order, putting the appellant under suspension, came to be issued thereafter, admittedly, under the signature of competent authority.

6. We do not find any merit in the contention that the order, dated 31.01.2015, was passed on the dictate of the District Programme Officer. Before passing the order, dated 31.01.2015, there appears to have been due application of mind by the authority competent to pass the said order as is evincible from the contents of the order.

7. We, therefore, do not find any infirmity in the order passed by the learned single Judge requiring interference by us.

8. This appeal has no merit and is, accordingly, dismissed.

(I. A. Ansari, ACJ)

ArunKumar/-

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(Chakradhari Sharan Singh, J)