

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12236 of 2015

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Praveen Priyadarshi, son of late Palakedhari Prasad, resident of Basera, Mohalla Pirbaba Road, Ara, P.S. Nawada, District Bhojpur, at present posted and working as an Assistant Teacher in Adarsh Govt. Middle School, Nawada, Anchal Ara Town, District Bhojpur

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Govt. of Bihar, Patna
2. The Director, Primary Education, Education Department, Govt. of Bihar, Patna
3. The District Magistrate, Ara, Bhojpur
4. The District Education Officer, Ara, Bhojpur
5. The District Programme Officer (Establishment), Ara, Bhojpur
6. The Programme Officer (Planning and Accounts), Bhojpur, Ara
7. The Programme Officer, Bhojpur, Ara
8. The Block Education Officer, Ara Town, Bhojpur
9. The Block Development Officer, Ara, District Bhojpur
10. The Block Education Officer, Jagdishpur, District Bhojpur
11. The Drawing and Disbursing Officer cum Headmaster, Govt. Middle School Ramgarhiya, Anchal Ara Town, District Bhojpur
12. Anita Devi, wife of Sudarshan Prasad, resident of village Nawada Ara Anchal Ara Town, District Bhojpur

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Umesh Kumar Mishra, Adv.

For the Respondent/s : Mr. Ram Balak Mahto

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

2 17-08-2015 Heard learned counsel for the parties.

Having regard to the nature of allegation for which the petitioner has been placed under suspension, this Court for the time being will not be inclined to interfere with the impugned order which is only by way of suspension of the petitioner pending departmental proceeding.

Today learned counsel for the State in fact has also

produced revised office order contained in Memo No. 3247 dated 11th August, 2015 that for the allegation that has been made against the petitioner it has been decided that the same should be enquired into by a lady Enquiry Officer.

This Court would approve such change keeping in view the nature of allegation against the petitioner.

This Court is mindful of defence of the petitioner that not only the allegation made against the petitioner is false but also that he is sought to be framed in the specific charge at the instance of the Headmaster of the school. This Court must clarify that such defence of the petitioner shall also be examined by the Enquiry Officer who, however, may record statement of the victim girl and her mother in Camera and if necessary give the copy of those statement of the victim girl and her mother to the petitioner by taking into account the law laid down by the Apex Court in the case of **Hira Nath Mishra & Ors. Vs. The Principal, Rajendra Medical College, Ranchi & Anr.** reported in 1973 (1) SCC 805 and **Avinash Nagra Vs. Navodaya Vidyalaya Samiti** reported in (1997) 2 SCC 534.

Such enquiry shall be, however, conducted on day to day basis so that the departmental proceeding against the petitioner is brought to an end as early as possible preferably within a period of

three months from the date of receipt of this order.

It goes without saying that if the petitioner remains present in the Headquarters fixed under the order of suspension, his payment of subsistence allowance shall be made in accordance with law.

With the aforementioned observation and direction, this application is disposed of.

(Mihir Kumar Jha, J)

surendra/-

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