

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.12900 of 2008

Sachidanand Prasad, son of late Bindeshwar Prasad Srivastava, resident of Mohalla – Rajiv Nagar, Road No. 16, P.S. Rajeev Nagar, District – Patna.

.... Petitioner/s

Versus

1. The State of Bihar through the Commissioner cum Secretary, Secondary, Primary and Adult Education, Government of Bihar, Patna.
2. The Secretary, Primary and Adult Education, Government of Bihar, Patna.
3. The Director (Administration) cum Joint Secretary, Human Resources Development Department, Government of Bihar, Patna.
4. The Deputy Secretary cum Enquiry Officer, Higher Education Department, Government of Bihar, Patna.
5. The Director, Mass Education, Primary and Adult Education Department, Government of Bihar, Patna.
6. The District Magistrate, Begusarai, District – Begusarai.
7. The Deputy Development Commissioner, Begusarai, District – Begusarai.
8. The District Mass Education Officer, Begusarai, District – Begusarai.
9. The Sub Divisional Officer, Begusarai, District – Begusarai.

Appearance :

For the Petitioner/s : Mr. J P Shukla, Sr. Advocate
Mr. G K Shukla

For the Respondent/s : Mr. Bishwa Bibhuti Kumar, AC to PAAG

CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 30-04-2015

The Enquiry Officer has clearly held the petitioner guilty of making illegal appointments beyond his powers and jurisdiction while working as District Mass Education Officer. The finding against the petitioner after a detailed enquiry is evident from reading of Annexure-22 dated 9.11.2005. Despite finding of guilt for making large scale illegal appointments which in turn created many a litigations before the High Court, as is the stand of the counsel for the State, he was awarded punishment of withholding of only two increments with cumulative effect. The disciplinary authority has been rather indulgent and kind hearted in matter of awarding punishment for serious omission and commission.

2. With the findings being what they are, the least of punishment has

come to visit the petitioner. This Court does not want to interfere with such punishment order in view of overwhelming finding which has emerged.

3. The initial impression which was sought to be given to the Court that petitioner had been exonerated but that was with regard to first set of charges. Serious charges came to be levelled in the supplementary charge-sheet and enquiry which was held on such charges finds the petitioner guilty. The punishment order is based on the cumulative finding and not on the basis of part finding which exonerated the petitioner on certain indiscretion of shirking responsibility which is of no significance.

4. Writ application is dismissed as the punishment is based on clear finding of guilt of the petitioner which is not disputed.

(Ajay Kumar Tripathi, J)

R.K.Pathak/-

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