

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.9789 of 2016

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Hari Narayan Sharma Son of late Bachchu Sharma Resident of Village and PO
Latrahiya, PS Parsa, District Saran at Chapra, Presently working as an Assistant
Teacher in Government Basic School Parsa, District -Saran at Chapra.

.... Petitioner

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
 2. The Principal Secretary, Education Department, Government of Bihar, Patna.
 3. The Director, Primary Education, Govt. of Bihar, Patna
 4. The Regional Deputy Director of Education, Saran Division, Chapra.
 5. The District Programme Officer (Establishment) Siwan-cum-Conduction Officer,
District Siwan
- Respondents

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Appearance :

For the Petitioner : Mr. Shashi Bhushan Kumar Manglam, advocate

For the Respondents : Mr. VINAY KRITI SINGH, GA 3

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CORAM: HONOURABLE MR. JUSTICE SAMARENDRA PRATAP SINGH
ORAL JUDGMENT

Date: 12-07-2016

The petitioner was appointed as an Assistant teacher in Basic School in the year 1991 and was posted in Basic School of Saran Division. On submission of vigilance report, a departmental proceeding was initiated against him. At the very onset, in order to file effective reply, the petitioner on 14.2.2015 filed an application before the Conducting officer for giving him nine different documents related with appointment procedure of 1991. A photocopy of the application is contained in Annexure 1 to the writ petition. However, none of the documents were supplied and according to the petitioner the proceeding continued to his prejudice. The departmental proceeding continued without supply and documents and finally enquiry report was submitted. Consequent to

the submission of departmental enquiry, 2nd show cause was issued.

The petitioner submits that the proceeding would be void as it has been conducted in violation of Rule 17(12) of the Bihar CCA Rules, 2005 (herein after referred to as 'the CCA Rules').

While conducting departmental proceeding, respondents are under obligation to comply with the statutory requirements of law and non supply of documents to the delinquent would tantamount to not providing him opportunity to inspect the documents in order to file effective reply, which is the mandate of the CCA Rules. In my view, the petitioner would pray all these points in his 2nd show cause reply and the authorities would be under obligation to deal with each of the points distinctly.

With the aforesaid observations, the writ petition is disposed of.

The court has not expressed its view on the merit of the case.

If the petitioner is aggrieved by any subsequent action of respondents, it would be open for him to take recourse to the remedy available under law including filing of writ petition.

Shashi.

(Samarendra Pratap Singh, J)

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