

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.5292 of 2014

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Kumari Premlata, wife of Bishambhar Prasad Singh, resident of village Shivkund,
P.S. Dharahra, District Munger

.... Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, Education Department
Govt. of Bihar, Patna.
2. The District Magistrate, Lakhisarai
3. The District Education Officer, Lakhisarai
4. The Regional Deputy Director, Munger Division, Munger
5. The District Programme Officer (Establishment), Lakhisarai
6. The Regional Education Officer, Lakhisarai, District- Lakhisarai
7. The Block Education Officer, Lakhisarai District Lakhisarai

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ram Suresh Roy, Sr. Adv
Mr. Vam Vinay Prasad Singh @ Sanjay, Adv
For the Respondent/s : Mr. Alok Ranjan, Adv

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CORAM: HONOURABLE MR. JUSTICE SAMARENDRA PRATAP SINGH

ORAL JUDGMENT

Date: 04-05-2016

Heard learned counsel for the petitioner and learned
appearing for the State.

The petitioner was appointed as Assistant Teacher vide
D.S.E., Munger, letter bearing memo no. 1505-1506, dated
08.04.1986. He joined and was posted at Primary School, Kunder,
Lakhisarai. In course of her service, she was posted at different
Centres. Finally, she was posted as Assistant Teacher, Upgraded
Middle School, Kachhiana, Lakhisarai.

The petitioner aggrieved by letter, dated 30.01.2014,
whereby her service has been terminated on the ground that she



obtained appointment on the basis of fabricated certificates. A copy of termination order, dated 30.01.2014, passed by the District Programme Officer (Estb.), Education Department, Lakhisarai, is annexed as Annexure-7 to this writ application. Learned counsel submits that a major punishment of removal from service has been inflicted without following the regular departmental proceeding. However, only on the basis of internal inquiry, her service has been dispensed with. He further submits that by impugned order, petitioner has been directed to deposit the entire money which she has received by way of salary in one installment

Learned counsel for the State submits that the petitioner was given show-cause notice, dated 16.01.2014 and 23.01.2014, but she failed to place her case.

Having heard counsel for the parties, this Court is of the view that the petitioner should have first approached the Director, Primary Education, or any other competent Authority, with respect to order of termination issued by the District Programme Officer (Estb.). It will be open for the petitioner to take the grounds available under the law before the said Authority. It will also open for the petitioner to make prayer for an interim stay of recovery pending against her. As the petitioner was pursuing her case before this Court, the appropriate Authority would condone the delay, if any, in filing her representation/ appeal. It is expected that if any appeal/ representation

filed, the same would be disposed of expeditiously, preferably within a period of three months from the date of its receipt along with a copy of this order. In order to enable the petitioner to file a representation/appeal there would be an *ad interim* stay for a period of three weeks from today.

With the aforesaid direction, the writ application is disposed of.

(Samarendra Pratap Singh, J)

kunal/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	06-05-2016
Transmission Date	