

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.7600 of 2016

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Nilam Kumari, Assistant Teacher, wife of Bisheshwar Das, Middle School, Bijay Nagar, Jamalpur, residing at Ambedkar Nagar, Nawa Garhi, P.S. -Jamalpur, District - Munger.

.... Petitioner/s

Versus

1. The State of Bihar, through the Principal Secretary, Human Resources Department, Government of Bihar New Secretariat, Patna.
2. The Regional Deputy Director Education, Munger Division, Munger.
3. The District Education Officer, Munger.
4. The District Programme Officer, Establishment, Munger.
5. The Block Education Officer, Jamalpur.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shivendra Kumar Sinha, Advocate
Mr. Ajit Kumar Singh, Advocate
For the Respondent/s : Mr. Anuj Kumar, AC to GP -24

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 02-12-2016

Heard Mr. Shivendra Kumar Sinha, learned counsel appearing for the petitioner and Mr. Anuj Kumar, AC to GP 24.

The petitioner is aggrieved by Memo No.236 dated 03.03.2016 issued by the District Education Officer, Munger, whereby she has been put under suspension.

Amongst the other grounds raised, it is contended by Mr. Sinha that although the petitioner has been charged with committing violence within the premises of the school on 03.03.2016, but the order of suspension precedes the date on 02.03.2016, which itself confirms its illegality.

Mr. Anuj Kumar, learned counsel appearing for the State has referred to the Counter Affidavit to submit that there was a



typographical error with regard to the date in the Memo No.236 dated 02.03.2016, which has since been corrected vide Annexure-A and that charges have been framed against the petitioner on 09.03.2016 for the act of omission and commission and the disciplinary proceeding has since been initiated.

Although it is the stand of the petitioner that copy of the charge memo has not yet been served on her, but considering that, now, by way of Counter Affidavit the petitioner has knowledge about the initiation of departmental proceeding as well as the charge framed against her, she would be well advised to file her reply by 20th December, 2016, when the petitioner would present herself before the Enquiry Officer, who in the present case is the District Programme Officer, Sarva Shiksha Abhiyan, Munger, whereafter the Enquiry Officer shall proceed to conclude the enquiry in accordance with law.

Let the disciplinary proceeding be concluded within three months from today failing which the disciplinary authority shall consider the prayer of the petitioner for revocation of her suspension and dispose off the same within one week thereafter.

The writ petition is, accordingly, disposed off.

(Jyoti Saran, J)

JA/-

AFR/NAFR	NAFR
CAV DATE	N/A
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