

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.2881 of 2013

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Sandhya Sen D/o Shri Puranchand Sen, resident of village - Millan Palli, P.O+ P.S- Siliguri, District- West Dinajpur, presently posted and functioning in Project Girl's School, Pothia, P.O + P.S- Pothia, District- Kishanganj.

.... Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Human Resources Development Department, Patna.
2. The Director, Secondary Education, Patna.
3. The Deputy Directory, Secondary Education, Patna.
4. The Regional Deputy Director of Education, Purnea.
5. The District Education Officer, Kishanganj.
6. The Headmaster, Project Girl's High School, Pothia, District- Kishanganj.

.... Respondent/s

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Appearance :

For the Petitioner/s : Reema Kumar , Adv.

For the Respondent/s : Mr. Uday Bhan Singh, AC to GP-1

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 29-01-2016

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

In this case, the petitioner is challenging the order dated 22nd July 2008 where the case of the petitioner has been rejected on the ground that she was absent during the inspection. It further appears that Director, Secondary Education, Bihar Patna earlier served letter dated 22nd July 2008 where the ground for rejection has been shown to be same. Liberty was given to file representation, if any, annexing the relevant documents.

The representation was filed, but it does not disclose the

sufficient statement and material has been annexed in it and on consideration of that, the order earlier passed has been reiterated, thereby her case was rejected.

The counsel for the petitioner submits that the petitioner although remained present, save and except, she was absent after taking medical leave and as such, she cannot be treated that she was not working in the school. Further she submits that the Incharge Head Master of the school written the letter stating therein that from the date of the joining, she continued to discharge her duty in the school.

It also appears that the Director, Secondary Education, Bihar Patna while passing the final order dated 11th May 2010, has not considered this aspect of the matter, merely recorded her absence and rejected the claim.

The counsel for the State submits that as the petitioner was absent on the date of the inspection, no wrong can be inferred from the order and does not require any interference.

Having considered the rival contentions of the parties, in view of the statement made in the writ application, attending facts and circumstances of the case, as per the claim of the petitioner, she worked although, save and except for certain period on account of medical leave which has been corroborated by the Incharge Principal, reiterating the same fact as has been stated by the petitioner.

In such view of the matter, the order dated 11th May 2010 and order dated 22nd July 2008 with respect to the petitioner are set aside. The Director, Secondary Education, Bihar is directed to reconsider the case of the petitioner on the basis of materials supplied by the petitioner. The petitioner, if so desired, may file a separate representation bringing facts, annexing relevant documents along with it. If such representation is filed, the authority will be obliged to pass a reasoned order within a period of eight weeks from the date of filing of the representation.

With the above observation/direction, this petition is disposed of.

(Shivaji Pandey, J)

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