

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.6552 of 2016

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Ram Ayodhya Rai, son of Late Hit Narain Rai, resident of Village- Pojhia, P.S.-
Tariyani, District- Sheohar.

.... Petitioner

Versus

1. The State of Bihar.
2. The Principal Secretary, Education Department, Govt. of Bihar, Patna.
3. The Director, Primary Education, Govt. of Bihar, Patna.
4. The District Education Officer, East Champaran at Motihari.
5. The District Magistrate, East Champaran
6. The District Programme Officer, Establishment, East Champaran at Motihari.
7. The Block Development Officer, Chhaura Dano, East Champaran.
8. The Block Education Officer, Chhauradano, East Champaran.
9. The Block Education Officer, Turkaulia, East Champaran.
10. Rama Kant Prasad, In-charge Headmaster, Govt. Girls Middle School,
Chhauradano, East Champaran.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Amaresh Kumar Sinha, Adv.

For the Respondent/s : Mr. Pratik Kumar Sinha, AC to GA-5

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 13-01-2017

Heard Mr. Amaresh Kumar Sinha, learned counsel appearing
for the petitioner, and Mr. Pratik Kumar Sinha, AC to GA-5, for the
respondents.

The writ petition was filed with a prayer to direct the
respondents to produce the suspension order bearing No. 2309 dated
4.12.2015 of the District Programme Officer, whereby the petitioner
was put under suspension and on its production, for quashing the
same by issuance of a writ in the nature of certiorari.

A counter affidavit is filed enclosing the suspension order at



Annexure 'G' and an inter-party dispute in between the petitioner and the existing In-charge Headmaster Ramakant Prasad lies at the bottom of the dispute.

Briefly speaking, Ramakant Prasad, an Assistant Teacher, who happens to be junior to the petitioner, was officiating as In-charge Headmaster and by the order present at Annexure 3 dated 28.2.2015 he was directed to handover the charge to the petitioner, who is senior to him. The order was not complied as complained by the petitioner vide Annexure 4 and which led to a second direction vide Annexure 6 with a clear stipulation to Ramakant Prasad that he would be proceeded against departmentally if he faulted in handing over the charge to the petitioner. This order is dated 26.3.2015. This inter-party dispute led to disruption of the school activities and whereupon the District Programme Officer recommended for disciplinary action against both the teachers. Partial charge was then handed over to the petitioner vide Annexure 8 but since the situation in the school was worsening that the petitioner and the said Ramakant Prasad were cautioned vide Annexure 9. The petitioner again complained against Ramakant Prasad vide Annexure 10 and vide representations annexed thereafter but no action was taken by the authorities to resolve the dispute, rather a complaint was made by the said Ramakant Prasad regarding the petitioner indulging in act of



violence in collusion with some anti-social elements. This complaint by Ramakant Prasad before the Station House Officer was endorsed by the Block Education Officer and has led to registration of a police case arising from Chhauradano P.S. Case No. 152/2015 for the acts of violence and arson done at the school allegedly by anti-social elements at the behest of the petitioner. It is on the institution of the police case that the order of suspension has been passed bearing Memo No. 2309 dated 4.12.2015 impugned at Annexure 'G'.

Mr. Sinha has questioned the suspension order as backed by ill-motive of the said Ramakant Prasad, who according to Mr. Sinha himself is at fault. Mr. Sinha also questions the order on grounds that the order of suspension is passed by an authority not competent to do so.

In my opinion, neither of the two issues are worthy of consideration. In the nature of the complaint made against the petitioner which is foundation for the F.I.R., it is too serious a matter for any interference at the present stage and in so far as the issue of jurisdiction is concerned, a perusal of the suspension order would confirm that it is following the directions issued by the Block Education Officer, who is undisputedly the appropriate authority to issue such order, that the order impugned is passed by the District Programme Officer.



Not finding sufficient grounds to interfere with the order of suspension, the writ petition is dismissed. Interlocutory application is disposed of.

(Jyoti Saran, J)

Surendra/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	18.01.2017
Transmission Date	NA

