

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.9290 of 2016

=====

1. Md. Ashraf Raza Son of Rafeque Resident of Village- Kandauli, PS Kamtank,
District Darbhanga.

.... Petitioner/s

Versus

1. The State of Bihar through its Secretary Education Department, Bihar, Patna.
2. Block Education Officer, Jaley Darbhanga.
3. District Programme Officer (Establishment) Darbhanga./
4. District Education officer, Darbhanga.
5. Block Development Officer, Jaley Darbhanga.
6. Chairman School Teacher Committee, Middle School Karwa Urdu Juley Darbhanga.
7. Head Master-In Charge Middle School Karwa Urdu Jaley Darbhanga.
8. Md. Manjoor Ahmad Senior Teacher , Middle School Karwa, Darbhanga.

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Md. Soban Asghar, Adv.

For the Respondent/s : Mr. Udaybhan Singh, A.C. to G.P.19

=====

CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 20-02-2017

Heard Mr. Md. Soban Asghar, learned counsel for the petitioner
and Mr. Udaybhan Singh, A.C. to G.P.19 for the State.

Despite the writ petition pending since June 2016 and despite
the matter being taken up on three occasions with adjournments to
State, yet no counter affidavit has been filed.

Although a prayer is being made by Mr. Udaybhan Singh
learned state counsel for further indulgence but considering that the
matter relates to suspension and that the writ petition is pending since
last 8 months with indulgence being granted to counsel to seek
instructions, I am not persuaded to grant further indulgence.



The matter is thus being considered on the basis of materials on record and it is the argument of Mr. Asghar that while by order bearing Memo No.73(MU) dated 8.9.2015, the Block Development Officer, Jale has directed the Block Education Officer to ensure that the charge of the Urdu teacher is handed over by the petitioner to the senior teacher in the school, by a subsequent order passed on the same day, bearing Memo No.74 (MU) dated 8.9.2015 the order of suspension has been passed without assigning any reason.

It is taking note of the issue raised in the order dated 24.1.2017 that this Court granted time to the State counsel to seek instructions and a second indulgence was granted on 7.2.2017 but the respondents have not returned with any counter affidavit.

Having heard learned counsel for the parties and in absence of any reason assigned in the order of suspension coupled with the fact and even if the matter relates to handing over of the charge of the Urdu teacher in Middle School, Karwa Urdu Vidyalaya in the district of Darbhanga, considering that the order of suspension is being passed on the same date on which the Block Development Officer has directed the Block Education Officer to enforce the transfer of charge, the suspension order bearing Memo No. 74 (MU) dated 8.9.2015 cannot be upheld and is accordingly quashed and set aside.

The writ petition is allowed.



This order however would not effect the order bearing Memo No. 73(MU) dated 8.9.2015 earlier passed by the Block Development Officer and it goes without saying that in tune with the directions of the Block Development Officer, the petitioner would hand over the charge of Urdu to the Senior most teacher of the school.

(Jyoti Saran, J)

Bibhash/-

AFR/NAFR	NA
CAV DATE	NA
Uploading Date	3.3.2017
Transmission Date	NA

