

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13611 of 2017

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Smt. Narmada Kumari wife of Deep Narayan Yadav Resident of Village - Reshna Ward No. - 1, P.S. - (Arar O.P.), Gwalpara, District - Madhepura, At presently posted as a incharge Head Master, Middle School, Pamkala under Gram Panchayat Pama, ward no. -11, under Block - Patarghat, P.S. - Saur Bazar, District - Saharsa.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Human Resources Department, Government of Bihar, Patna.
2. The Director, Primary Education, Government of Bihar, Patna.
3. The Principal Secretary, Primary Education Department, Government of Bihar, Patna.
4. The District Magistrate cum Collector, Saharsa.
5. The District Education Officer, Saharsa.
6. The District Programming Officer (Establishment), Saharsa.
7. The Block Education Officer Patarghat under Block Patarghat, District - Saharsa.

.... Respondent/s

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Appearance :

For the Petitioner/s :

For the Respondent/s :

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 03-10-2017

Heard learned counsel for the petitioner and State.

2. The petitioner has moved the Court for the following reliefs:

“(i) For issuance of writ/writs, order/orders, direction/directions in the nature for certiorari for quashing the impugned memo No. -1160 dated 31-08-2017 issued by the District Education Officer, Saharsa, whereby and where under according to the direction of the District Magistrate cum Collector, Saharsa, the Respondent No. 5 have enquired into the matter regarding the middle school, Paamkala under Gram Panchayat Pama, Block Patarghat, District – Saharsa and found the allegations against the petitioner alleging that on 30/08/2017, when the



Respondent No. 5 had gone to the school for verification, in which it is alleged that the petitioner being the in-charge Headmaster was not present in the said school. Accordingly, the Enquiry Officer has held up the payment of salary of all the teachers including the petitioner.

(ii) For further quashing the impugned memo No.-1867-7 (Establishment) dated 07/09/2017, issued by the District Programme Officer (Establishment), Saharsa, whereby and where under the petitioner has been suspended on the post of incharge Head Master and initiated the proceeding of Bihar C.C.A. Rules, 2005 sub section 10.

(iii) For further prayed during the pendency of the writ application may kindly stay the impugned Memo No.-1867-7 (Establishment) dated 07/09/2017 vide Annexure-3.

(iv) For further prayed that any other relief/reliefs, order/orders, direction/directions may deem fit and proper in the facts and circumstances of this case.”

3. In sum and substance, the petitioner is aggrieved by the order by which she has been suspended.

4. Upon going through the order impugned, the allegation is clearly with regard to her not being present at the school in question on a working day despite being the Incharge Headmaster.

5. Though learned counsel for the petitioner has tried to canvass before the Court various aspects, but since the same are



purely matters of fact, the Court is not inclined to go into such factual aspect where it would be required to give a finding based on such fact. Suffice to say that suspension is on a ground which cannot be said to be perverse or nonest and further a departmental proceeding having been initiated, the only thing required now is to conclude the departmental proceeding at the earliest.

6. Accordingly, the writ petition stands disposed off with a direction to the authorities concerned to ensure that the departmental proceeding against the petitioner is taken to its logical conclusion without any undue delay and latest within a period of four months from the date of production of a copy of this order before the respondents no. 5 and 6.

7. It goes without saying that if the petitioner does not cooperate in the proceeding, the officer(s) shall not be handicapped by the same and shall move on with concluding the departmental proceeding, in accordance with law, within the time fixed in this order.

(Ahsanuddin Amanullah, J)

Anjani/-

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