

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.215 of 2015

IN

Civil Writ Jurisdiction Case No. 15779 of 2013

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1. Dr. Navin Kumar Son of Late Shiv Chandra Prasad Singh Resident of Village and P.O.-Sehma, P.S.-Matihani, District-Begusarai.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Mr. Ram Bujhawan Choudhary, The Director, Secondary Education, Government of Bihar, Patna.
3. Usha Kumari, The Regional Deputy Director at Education, Munger.
4. Smt. Seema Tripathi, The District Magistrate, Begusarai. null null
5. Mr. Manoj Kumar, The Senior Deputy Collector-cum-incharge Officer, Matihani, Block, Begusarai.
6. Sri Kapildeo Yadav, The District Education Officer, Begusarai.
7. Sri Dhananjay Upadhyay, The District Programme Officer, Secondary Education, Begusarai.
8. Sagir Ahamad, The Block Education Officer, Matihani, Begusarai.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rajani Kant Pandey

For the Respondent/s : Mr. AMAR NATH DEO

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 30-06-2017

Heard the parties.

This application has been filed for violating the order dated 20.8.2013 passed in C.W.J.C. No. 15779 of 2013 wherein the Court has passed the following order:

“...Coming to the next aspect that the petitioner has already been placed under suspension by a competent authority, namely, Director, Secondary Education, he cannot be allowed to remain under suspension for an indefinite period pending departmental



enquiry and, therefore, this Court would direct the Director, Secondary Education to ensure that the memo of charge must be issued within a period of one month from the date of receipt of this order. If the petitioner files the written statement of defence denying the charge, departmental enquiry must be held within a period of four months of filing written statement of the defence by the petitioner. It goes without saying that if the departmental enquiry is completed within the period of four months, as indicated above, and the petitioner also cooperates in the same, a final order will also be passed within next three months of the submission of the comments/reaction by way of reply to the enquiry report.”

In the order it has been recorded that Mr. Sudhir Singh, learned counsel for the petitioner, has submitted that in fact there is no dispute with regard to the working for the period 21.2.2013 to 4.8.2013.

During argument the counsel for the petitioner has placed reliance on the letter dated 21.3.2016 which indicates that the District Programme Officer after examining the record has recorded a finding that petitioner has worked from 21.2.2013 to 4.8.2013 but subsequently the same Officer has withdrawn the order vide letter dated 28.2.2017.



Learned counsel for the State submits the letter dated 21.3.2016 has been obtained by fraud by producing tampered and manipulated attendance sheet and obtained this order whereupon learned counsel for the petitioner submits that the District Programme Officer has arrived to his finding on the basis of evidence maintained in the office of his working and finding is not based on attendance register. He has further submitted that during that period he has prepared the payment bill and had written letters to the different authorities which itself indicates that he was working from 21.2.2013 to 4.8.2013 but the State denied his working during that period.

In such situation there is dispute of working of the petitioner. It cannot be verified in the present proceeding.

Let, this matter is refereed to the Commissioner, Begusarai Division who will call upon the records from the office of the District Programme Officer and petitioner will be at liberty for making a prayer for calling such document for showing the work and department will be obliged to produce document whatever is directed by the Commissioner for arriving to a finding about working of the petitioner. It should not be based only on attendance register but the finding must be based on other material produced by the petitioner. If finding goes in favour of



the petitioner, the petitioner will take steps accordingly.

With the aforesaid observation this application is disposed
of.

(Shivaji Pandey, J)

Vinay/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	22.7.2017
Transmission Date	NA

