

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17921 of 2017

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Sudhanshu Kumari,. W/o Bhagwat Mandal, R/o Village/Mohalla- Bank, P.S.-
Mohanpur Ghormar, District- Deoghar, State- Jharkhand. Petitioner/s
Versus

1. The State of Bihar through the Principal Secretary, Education Department,
Govt. of Bihar, Patna. null null
 2. The Principal Secretary, Education Department, Govt. of Bihar, Patna.
 3. The Director, Primary Education, Education Department, Govt. of Bihar,
Patna.
 4. The District Education Officer, Munger.
 5. The District Programme Officer, (Establishment), Munger.
 6. The Block Development Officer, Tetiyambar, Munger.
 7. The Block Education Officer, Tetiyambar, Munger.
 8. The Principal, Middle School, Thatha. Respondent/s
- =====

Appearance :

For the Petitioner/s	:	Mr. Prashant Kashyap, Advocate Mr. Nawal Kishore Singh, Advocate
For the Respondent/s	:	Mr. Hari Mohan Mishra, AC to GP27

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

3 29-03-2018 Heard learned counsel for the petitioner and the State.

Learned counsel for the petitioner submits that the petitioner has obtained training certificate from an institution which is recognized by the State of Bihar. Referring to Annexure-3 he submits that State of Bihar has recognized the institution in question and as such the certificate obtained by the petitioner from the said institution is not invalid and as such the action of the respondents in stopping the petitioner from working as Assistant Teacher is contrary to law. He submits that in similar circumstance a co-ordinate Bench of this Court vide order dated 3.4.2012 in CWJC No. 10486 of 2008 held out that the action of stopping work is against the principles of natural



justice and fair play.

From perusal of the order dated 3.4.2012 passed in CWJC No. 10486 of 2008, it appears that the court in the peculiar facts and circumstances of the case, held out as follows:-

“It is made clear that till the District Teachers Appellate Authority would not pass any final order the petitioners shall continue in service but their payment of salary shall remain withheld from today and they would now be entitled for payment of salary only when the complaint filed against them of containing the allegation of their obtaining appointment on forged mark sheet would be rejected by the District Teachers Appellate Authority.

The Block Development Officer, Chhapra and the present Panchayat Secretary are also hereby directed to ensure that the original records of selection and appointment of the petitioners allegedly taken away by Akhileshwar Singh, the absconding earlier Panchayat Secretary is recovered and in the event such records are not recovered by them a First Information Report will also be lodged separately against the earlier Panchayat Secretary apart from continuing with the departmental action against him.

With the aforementioned observatin and direction, all the applications are disposed of.



The personal appearance of the Block Development Officer and the Panchayat Secretary is dispensed with.”

In view of the decision of the Co-ordinate Bench dated 3.4.2012 passed in CWJC No. 10486 of 2008, the present writ petition is disposed of with a direction to the respondents to complete the enquiry with respect to institution in question and if it is found that the institution was duly recognized by the State Government and certificate of training obtained by the petitioner is legal and valid, the respondents will restore all the benefits of Assistant Teacher to the petitioner.

It is made clear that the enquiry cannot be allowed to remain pending for months together as on account of pendency of the enquiry the petitioner is restrained from discharging her duty and consequently she will not get salary.

Under the aforesaid circumstances it is hereby directed that if the enquiry is not concluded within a period of 60 days from today, the petitioner would be entitled to restoration of her service and payment of salary after expiry of the aforesaid period of 60 days.

With the aforesaid, the writ petition stands disposed of.

(Anil Kumar Upadhyay, J)

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