

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8521 of 2014

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Satrughan Jha S/o Late Hari Gopal Jha resident of Lawapur Narayan, P.S. Mahnar, District Vaishali.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Education Department, Government of Bihar, Patna - 1.
3. The Director, Primary Education, Government of Bihar, Patna.
4. The District Magistrate, Vaishali.
5. The District Education Officer, Vaishali.
6. The District Programme Officer (Establishment), Vaishali.
7. The then Regional Education Officer, Lalganj, District Vaishali.
8. The District Programme Officer (Establishment)-cum-Conducting Officer, Vaishali.
9. The District Programme Officer, Sarva Seva Siksha Abhiyan, District Vaishali.
10. The Block Education Officer, Desari, District Vaishali
11. The D.D.O-cum-Headmaster, Government Middle School, Desari, District Vaishali.
12. The Accountant General, Bihar, Patna

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 11744 of 2014

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Rajeshwar Prasad Singh S/o Late Beni Prasad Singh Resident of Village-Jagnathpur, P.O- Harpur Fatikwara, Police Station- Mahnar, District- Vaishali.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Government of Bihar, Patna.
2. The Director, Primary Education, Bihar, Patna.
3. The District Magistrate, Vaishali at Hajipur.
4. The District Education Officer, Vaishali at Hajipur.
5. The District Programme Officer (Establishment), Vaishali at Hajipur.
6. Shri Premchandra, the District Programme Officer, Sarv Shiksha Abhiyan, Vaishali at Hajipur cum Enquiry Officer
7. Shri Sunil Kumar Gupta, the Programme Officer, (Establishment), Vaishali at Hajipur cum Presenting Officer.
8. The District Treasury Officer, Vaishali at Hajipur.
9. The Block Education Officer, Mahnar, District- Vaishali.
10. The Headmaster-cum-Drawing and Disbursing Officer, Govt. Middle School Basudeopur Chandel, Anchal Mahnar, District- Vaishali.
11. The Accountant General, Bihar, Beerchand Patel Marg, Patna.

... .. Respondent/s



Appearance :

(In Civil Writ Jurisdiction Case No. 8521 of 2014)

For the Petitioner/s	:	Mr. Umesh Kumar Mishra
For the Respondent/s	:	Mr. Anil Kumar, AC to SC-8

(In Civil Writ Jurisdiction Case No. 11744 of 2014)

For the Petitioner/s	:	Mr. Umesh Kumar Mishra
For the Respondent/s	:	Mr. Ajay Bihari Sinha, GA-8
	:	Mr. Neeraj Raj, AC to GA-8

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL JUDGMENT

Date : 24-08-2018

Heard learned counsel for the petitioner and learned counsel appearing on behalf of the State.

The grievance of the petitioner in the present application is against the order of termination issued by the District Education Officer, Vaishali.

Learned counsel for the petitioner submits that under the Rule 21 of the Rules the power to inflict major punishment vests with the Deputy Development Commissioner and as such the order passed by the District Education Officer, Vaishali is nullity in the eye of law. He also submitted that while inflicting the punishment the respondents have not followed the minimum procedure to ensure compliance of the principles of natural justice and without any show cause notice, without opportunity of hearing one day ahead the date of retirement, the petitioner was inflicted such punishment in hot haste simply because charges against the petitioner pertain to taking illegal gratification and petitioner was caught red handed. Counsel submits that no witness of trap was



examined in the departmental proceeding. He was not convicted in the criminal case by Competent Court and under the aforesaid circumstance inflicting major punishment even otherwise is unsustainable.

Considering the fact that the Rule does not confer the jurisdiction to the District Education Officer, Vaishali to inflict major punishment, the order contained in Annexure-16 and 17 in C.W.J.C. No. 8521 of 2014 and Annexure-17 in C.W.J.C. No. 11744 of 2014 cannot sustain. It is accordingly quashed. Respondents are hereby directed to workout the consequential benefit of superannuation of the petitioner within a period of four months from the date of receipt/production of copy of this order.

(Anil Kumar Upadhyay, J)

banti/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	20.08.2018
Transmission Date	

