

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.1908 of 2016

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Jagat Nandan Kumar S/o Late Sheo Sharan Singh resident of Village - Sri Bigha,
P.S. Sakurabad, Distt. Gaya.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Principal Secretary, Human Resources Development, Government of Bihar,
Vikash Bhawan, Bailey Road, Patna.
3. The Director (Primary Education) Department of Human Resources
Development, Government of Bihar, Patna.
4. The District Magistrate-cum-District Officer, Gaya.
5. The District Education Officer, Gaya.
6. The District Programme Officer, Establishment, Gaya.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Bhola Kumar

For the Respondent/s : SMT. BINITA SINGH, GP 31

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH

ORAL JUDGMENT

Date: 18-09-2018

The present writ petition has been filed for quashing the order of punishment of dismissal from service dated 26.12.2012 passed by the District Programme Officer (Establishment), Gaya.

The only short ground urged by the learned Senior counsel appearing for the petitioner is that after the enquiry report was submitted by the enquiry officer on 10.12.2012 (Annexure-I to the counter affidavit filed by the respondent no.5 and 6), the disciplinary authority was mandatorily required to issue second show cause notice to the petitioner before inflicting the punishment of dismissal from service vide order dated 26.12.2012. The learned Senior counsel has further submitted that findings of the disciplinary authority is void in



view of non-supply of the enquiry report and not issuing the second show cause notice.

The learned counsel for the respondents has not been able to show that either any second show cause notice was issued to the petitioner or a copy of the enquiry report was supplied to the petitioner.

Having regard to the facts and circumstances of the case, there is no iota of doubt that the basic principles and procedure required to be followed by the disciplinary authority has not been followed, hence the order of dismissal from service dated 26.12.2012 is perverse and has been passed in violation of the principles of natural justice, thus is quashed and the respondents are granted liberty to proceed from the stage of issuance of second show cause notice.

It is needless to state that the consequential benefits would abide by the final decision to be arrived at by the disciplinary authority.

The writ petition is allowed to the extent indicated above.

(Mohit Kumar Shah, J)

BTiwary/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	25-09-2018
Transmission Date	

