

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20291 of 2010

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Prawin Kumar Singh S/O Sri Ganesh Prasad Singh R/O Vill. Barmashia, P.S & Distt.-Katihar At Present Posted As Assistant Teacher At Ram Sobhit Singh Middle School, Belwa, Under Block Katihar, Distt.-Katihar.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. THE DIRECTOR, PRIMARY EDUCATION, HUMAN RESOURCES DEVELOPMENT DEPTT., GOVT. OF BIHAR, PATNA.
3. THE REGIONAL DEPUTY DIRECTOR OF EDUCATION, PURNIA DIVISION, PURNEA.
4. THE DISTRICT MAGISTRATE, KATIHAR.
5. THE DISTRICT SUPERINTENDENT OF EDUCATION, KATIHAR.
6. THE AREA EDUCATION OFFICER, DISTRICT-KATIHAR.
7. THE BLOCK EDUCATION EXTENSION OFFICER, BLOCK PRANPUR (WEST) DISTT.-KATIHAR.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Jibendra Mishra
For the Respondent/s : Mr. Sanjay Kumar Sinha(Sc13)

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

8 02-07-2018 Mr. Jibendra Mishra, counsel appearing for the petitioner and counsel for the State.

Petitioner has filed the present writ application for quashing the order bearing memo No. 252 dated 17.02.2004 whereby the order of punishment of stoppage of one annual increment was inflicted on the petitioner by the D.S.E. Katihar, on appeal the order of punishment has been affirmed by the R.D.D.E. vide memo No. 674 dt. 3.8.2010.

Counsel for the petitioner submits that the impugned order of punishment and the appellate order is violative of



principles of natural justice. Though, the petitioner was punished with stoppage of only one increment but the punishment has been inflicted contrary to the report of the Inquiry officer. It is submitted by the counsel for the petitioner that Inquiry Officer has given clean chit to the petitioner.

Considering the aforesaid, writ application is allowed and order contained in Annexure 8 and 14 are hereby quashed as the same was passed contrary to the judgment of the Apex Court in Kunj Bihari Mishra's case (1997) 8 SCC 84.

The respondents are directed to take fresh decision in terms of Rule 18 of the Bihar Government (Classification) Rule 2005 where the employer is free to differ with the finding of the Inquiry Officer and after giving opportunity of hearing take decision in terms of Rule 18 of 2005 Rules. Fresh decision shall be taken by the respondents within maximum period of six months from the date of receipt/ production of a copy of this Order.

(Anil Kumar Upadhyay, J)

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