

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17632 of 2014

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Naipal Sharma S/o Late Ram Keshwar Sharma resident of Mohalla - Hariji
Ke Hata, P.O. + P.S. Dumraon, Distt. - Buxar Presently posted as Principal,
Practicing Middle School, Dumraon, Buxar

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Education,
Bihar, Patna
2. The Director, Primary Education, Bihar, Patna
3. The Regional Deputy Director of Education, Patna
4. District Education officer, Buxar
5. District Programme Officer (Establishment), Buxar
6. Block Education Officer - Cum - Enquiry Officer, Buxar

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Bharat Bhushan
For the Respondent/s : Mr. Aag3-Roy Shivajee Nath

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

3 01-08-2018 Heard learned counsel for the petitioner and the
counsel appearing on behalf of the State.

Petitioner is aggrieved by the order contained in
Annexure-1 dated 22.2.2014 whereby the District Programme
Officer(establishment), Buxar has imposed punishment of
censure and also held out that the period of absentee dated
20.02.2011 to 21.11.2011 may be treated as leave. This office
order was issued after enquiry report submitted by the Block
Education Officer, Buxar contained in Annexure-6. Annexue-6
exonerates the petitioner.

In view of the above, the order imposing punishment



is without jurisdiction.

Law in this regard is well settled in the case of **Punjab National Bank vs. Kunj Bihari Mishra reported in (1998) 7 SCC 84** and also **Bihar Government Servants (Classification, Control & Appeal) Rules, 2005**. Rule-18 defines that in the matter of disagreement with the enquiry report, the disciplinary authority is required to give liberty of hearing to the petitioner but without providing any opportunity of hearing to the petitioner, the respondents have imposed punishment vide Annexure-1. Such punishment cannot sustain. Accordingly, Annexure-1 is quashed. The respondents are directed to grant all consequential benefits to the petitioner within a maximum period of four months from the date of receipt/production of a copy of this order.

With the aforesaid, the writ petition stands allowed and disposed of.

(Anil Kumar Upadhyay, J)

Ravi/-

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