

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.21727 of 2012

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Ramchandra Sharma S/O Late Jago Mistry R/O Mohalla - Line Par Mirzapur,
Nawadah, P.O. + P.S. + Distt - Nawadah At Present Posted As Incharge
Headmaster Government Basic School, Kenasarai, Nawadah

... .. Petitioner/s

Versus

1. The State Of Bihar Through Principal Secretary Deptt Of Human Resources,
Govtt Of Bihar, New Secretariat Building, Baily Road Patna - 1
2. The District Education Officer, Nawadah
3. The District Magistrate, Nawadah
4. The District Programme Officer, Establishment Nawadah
5. The Block Education Officer, Nawadah
6. The District Midday Food Officer, Nawadah

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	None
For the Respondent/s	:	Mr. Ajay, GA-5
		Mr. Ashish Kumar Lal, AC to GA-5

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL JUDGMENT

Date : 29-10-2018

This writ petition was filed on 26.11.2012 by the petitioner raising a grievance that the District Programme Officer (Establishment), Nawadah has arbitrarily issued a direction for handing over charge of Incharge Headmaster to the senior most teacher of the school and for stoppage of three increments in salary for not taking interest in the development of the school as well as for closure of the Midday Meal Scheme.

Unfortunately, even after six long years, the respondents have not filed counter affidavit. Under the aforesaid circumstances, since the respondents have not filed counter



affidavit, the Court is constrained to dispose of the writ petition on the basis of the pleadings available on the record.

So far as the issue of handing over charge is concerned, the Court does not find any merit in the claim of the petitioner to entertain such claim after six long years.

So far as the grievance with regard to stoppage of three increments is concerned, the order inflicting punishment without compliance of principles of natural justice and fair play cannot stand. The order impugned contained in Annexure-1 dated 20.10.2012, whereby the petitioner was inflicted punishment of stoppage of three increments cannot sustain. It is, accordingly, quashed.

The respondents are directed to restore the benefits of increments with all consequential benefits to the petitioner within a maximum period of three months from the date of receipt/production of a copy of this order.

With the aforesaid, the writ petition stands disposed of.

(Anil Kumar Upadhyay, J)

spandey/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	30.10.2018
Transmission Date	

