

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17807 of 2012

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MADAN SAO SON OF LATE MOTI SAO RESIDENT OF VILLAGE &
POST BARNI, P.S. DHANARUA, DISTRICT- PATNA PRESENTLY
POSTED AS ASSISTANT TEACHER, UPGRADED MIDDLE SCHOOL
DALTMAI DHANARUA, DISTRICT- PATNA

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. THE PRINCIPAL SECRETARY, HUMAN RESOURCES DEVELOPMENT
DEPARTMENT, GOVERNMENT OF BIHAR, PATNA
3. THE DIRECTOR (PRIMARY EDUCATION), GOVT. OF BIHAR, PATNA
4. THE DISTRICT EDUCATION OFFICER, PATNA
5. THE DISTRICT PROGRAMME OFFICER (ESTABLISHMENT), PATNA

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Pranav Kumar, Advocate,
For the Respondent/s : Mr. Anil Kumar Singh, Advocate, G.P.-26

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

4 10-10-2018 1. Heard learned counsel for the petitioner and
counsel appearing on behalf of the State.

2. Earlier the petitioner has approached this Court
against the order inflicting punishment in the departmental
proceeding. The petitioner has challenged the order of the
Disciplinary Authority as well as the Appellate Authority on the
ground of non-supply of the Inquiry report. The Second issue
which weighed the Court in allowing the writ petition was that
the power of Appellate Authority was exercised by the



Disciplinary Authority the Court while quashing the orders of the disciplinary authority as well as appellate authority remitted the matter back for fresh inquiry on the same charge dated 18.6.2002. Against the respondents have perpetuated the same illegality they have not provided the copy of the Inquiry report and inflicted punishment vide Annexure-11. Respondents have not disputed this factual position that the copy of the Inquiry report was not provided to the petitioner while inflicting punishment (Annexure-11) previous decision of punishment was quashed by this Court holding that the order was passed without compliance of natural justice and once again it is admitted by the respondent that they have not served the copy of the Inquiry report while taking fresh decision, the action of respondents (Annexure-11) cannot sustain, it is accordingly quashed.

3. Since, earlier writ petition was allowed in favour of the petitioner, yet the respondents have not followed the procedural requirement despite the direction of this Court and reiterated the same order which was quashed earlier the Court cannot approve the arbitrary action of respondents.

4. Having regard to the peculiar facts and circumstances, respondents are directed to grant all consequential benefits to the petitioner on quashing of



Annexure-11.

5. Necessary consequential benefits must reach the petitioner within a maximum period of four months from the date of receipt/ production of a copy of this order.

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

(Anil Kumar Upadhyay, J)

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