

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.495 of 2017

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Bibi Mahenaz Begum D/o- Md. Mazlum Hassan Ansari resident of village
Sonapur, P.O. - Ekamba, Block- Amaur, P.S. - Amar, Distt- Purnea.

... .. Petitioner

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The District Magistrate, Purnea.
3. The District Education Officer, Purnea.
4. The Block Education Officer, Amaur, Purnea.
5. The Panchayat Sachiv, Grame Panchayat Jhuawari, Amaur, Purnea.

... .. Respondents

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Appearance :

For the Petitioner	:	Mr. Vijay Kumar Sinha, Advocate
For the Respondents	:	Shilpa Singh- GA- 12 & Abhanjali, Advocate

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

4 04-12-2018 Heard learned counsel for the petitioner as well as

learned counsel for the respondents.

Grievance of the petitioner regarding her apprehension expressed in the writ petition is sought to be substantiated by annexure B to the counter affidavit which is a communication dated 1.4.2017, whereby the District Programme Officer (Establishment), Purnea has directed the Panchayat Secretary, Gram Panchyat Raj, Jhowari, Amaur to take a show cause from the petitioner and to remove her from service after conducting disciplinary proceeding in accordance with law, in view of her absence for more than 90 days.

Submission made by learned counsel for the petitioner is based on apprehension. No action has been taken pursuant to



the said communication by which the petitioner can be aggrieved. Letter dated 1.4.2017 is a verbatim reiteration of notification dated 27.1.2015 (annexure A), issued by the Government of Bihar providing a guideline for taking action against the teachers such as the petitioner who has been absent for long time. The guidelines provided therein have not been assailed by the petitioner.

Since action is being taken under the said guidelines and by the Competent Authority under the Bihar Panchayat Niyojan and Seva Shart Niyamawali, 2006 (Amendment, 2012) at the moment, there is no occasion for this Court to presume that the reason for absence expressed by the petitioner in the writ petition based on her illness for more than three years would not be examined in the proposed proceedings, which needless to say should be conducted in accordance with law.

Writ petition is disposed of. If petitioner is aggrieved by such decision it will be open to her to assail the same in appropriate proceedings.

(Madhuresh Prasad, J)

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