

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.915 of 2018

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Kripa Shankar Ram Son of Late Ram Sigasan Prasad Resident of Village - Tarari, Post Office + Police Station - Tarari, District - Bhojpur at Ara, At present residing at L.I.G. Sector - 3, Block - 5, Room No. 357, Bahadur Housing Colony, Police Station - Agamkuan, District - Patna at present posted as an Incharge Headmaster of Govt. Primary School Saidanpur Balak, Block - Fatuha, District - Patna.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The District Magistrate, Patna.
3. The Sub Divisional Officer, Barh, District - Patna.
4. The District Education Officer, Patna.
5. The District Programme Officer (Establishment), Patna.
6. The Block Education Officer, Daniyama, Patna.
7. The Block Education Officer, Pandarak, Patna.
8. The Block Education Officer, Paliganj, Patna.
9. The Treasury Officer, Patnacity, Patna.
10. The Headmaster-cum-Drawing Disbursing Officer, Middle School Bailey Pandarak, Patna.
11. The Headmaster-cum-Drawing Disbursing Officer, Middle School Byapar Mandal Kanya Middle School Fatuha, Patna.

.... Respondent/s

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Appearance:

For the Petitioner/s : Mr. Umesh Kumar Mishra

For the Respondent/s : Smt. Binita Singh, SC-28

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

5 19-09-2018 The present writ petition has been filed for quashing of the punishment order dated 16.08.2017 passed by the District Programme Officer (Establishment), Patna.

The short issue raised by the learned counsel for the petitioner is that the petitioner has not been served with the second show cause notice, hence he has not been given appropriate opportunity for the purposes of putting forth his defence against the enquiry report. The law in this regard is well settled to the effect that it is mandatory to serve the enquiry report along with



the second show cause notice in order to seek a response from the delinquent and only thereafter the disciplinary authority can pass the order of punishment.

I have heard the learned counsel for the parties and have gone through the materials on record and I find that the principles of natural justice has not been complied with inasmuch as the petitioner has been precluded from putting forth his defence to the finding of the Enquiry Officer before the disciplinary authority inasmuch as the second show cause notice has not been served on the petitioner herein.

For the reasons mentioned herein above, the order of punishment dated 16.08.2017 is quashed and the authorities are directed to issue a second show cause notice to the petitioner herein, enclosing a copy of the enquiry report and after considering the reply of the petitioner herein, the disciplinary authority shall pass the final order.

It is needless to state that the consequential benefits will abide by the final outcome of the on going disciplinary proceedings.

The writ petition is disposed of.

(Mohit Kumar Shah, J)

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