

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2013 of 2019

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Ram Uday Paswan, Aged 55 years, male, S/o Late Amol Paswan, resident of Vill.-Bagha, Ward No. 24, P.O.-Suhattnagar, P.s.-Begusarai, Distt.-Begusarai, at present Incharge Headmaster in R.K.B.S.S. Middle School Collegiate, Begusarai

... .. Petitioner/s

Versus

1. The State of Bihar through the Director, Primary Education, Govt. of Bihar, New Secretariat, Patna
2. The Regional Deputy Director of Education Munger Division, Munger
3. The District Education Officer Begusarai,
4. The District Programme Officer (Establishment) Begusarai

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Bipin Bihari Singh
For the Respondent/s : Mr.Subash Chandra Mishra (Sc16)

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 06-02-2019 The present writ petition has been filed for quashing the order dated 3.1.2019 passed by the District Education Officer, Begusarai whereby and whereunder the promotion granted in the pay scale of trained graduate has been cancelled and the petitioner has been reverted on the post of Assistant Teacher in the pay scale of matric trained pay scale.

The learned counsel for the petitioner has submitted that as per Rule 21 of the Bihar State Nationalized Elementary School Teacher (Transfer and Departmental Proceeding) Rule, 2002, major punishment can only be imposed by the Deputy Development Commissioner and since demotion is one of the major punishments, it could not have been inflicted by the



District Education Officer, Begusarai and that too without conducting any departmental proceeding.

The learned counsel for the respondents does not dispute the position as is existing under the law.

Having regard to the submission made by the learned counsel for the parties, the present writ petition is allowed and the order dated 3.1.2019 passed by the District Education Officer, Begusarai is quashed, however, with liberty to the respondents to take appropriate action in accordance with law. It is further directed that no recovery shall be made from the petitioner till the proposed proceeding is either initiated or taken to its logic conclusion, however, payment of back wages shall be subject to the final outcome of the action to be undertaken by the respondents. It is needless to state that in case no further action is taken by the respondents within a period of three months from today, the petitioner would become entitled to back wages.

(Mohit Kumar Shah, J)

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