

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12731 of 2014

Mrityunjay Kumar Pandit Son of Sri Santoshi Pandit Resident of Village-
Dudhaniya, P.S._ Belhar, District- Banka.

... .. Petitioner

Versus

1. The State Project Director, Bihar Education Project Council, Shiksha Bhawan, Rashtrabhasha Parishad campus Saidpur Rajendra Nagar, Patna
2. The Executive Engineer, Bihar Education Project Council, Shiksha Bhawan, Rashtrabhasha Parishad campus Saidpur Rajendra Nagar, Patna
3. Sri Shashi Bhushan Gupta, presently posted as Executive Engineer, Bihar Education Project Council, Shiksha Bhawan, Rashtrabhasha Parishad campus Saidpur Rajendra Nagar, Patna
4. The District Programme Officer, Sarva Shiksha Abhiyan, Banka.
5. The District Education Officer, Banka.
6. The Block Education Officer, Chandan, Banka.
7. The State of Bihar through the District Magistrate, Banka.

... .. Respondents

Appearance :

For the Petitioner/s : Mr.Prashant Sinha
For the Respondent/s : Mr. Mukul Prasad, AC to GP 18

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 06-05-2019 Heard learned Counsel for the petitioner and the
learned Counsel for the State.

The petitioner was working as Accounts Assistant at the district level office of Bihar Education Project Council. The contractual engagement was done in the year 2011 for one year. It has subsequently been renewed up till the year 2014. The allegation of demand of Rs. 25,000/- for releasing funds for civil construction of a school was attributed to the petitioner. The same resulted in an enquiry report dated 7.5.2014.



It is submitted by petitioner's counsel that the said enquiry report, is without notice and without hearing the petitioner and, as such, the order terminating his contractual engagement dated 3.6.2014 is unsustainable in law. Placing reliance on another enquiry report, by a three men committee contained in Annexure F to the second supplementary counter affidavit, is submitted that tone and tenure of the report of three men committee is that the petitioner was not responsible for the allegation which was earlier held to be proved by report dated 7.5.2014.

Counsel for the State submits that from perusal of Annexure F, it is evident that covering letter clearly stipulates that a final decision in respect of petitioner's role/responsibility into allegation alleged against him can be taken only upon conclusion of the police investigation which till issuance of the three men Enquiry report was still continuing.

Be that as it may, the admitted position is that the Enquiry report, dated 7.5.2014 which formed basis of termination of petitioner's contractual engagement was without hearing the petitioner. The civil consequences arising out of the said enquiry report, therefore are legally unsustainable as being violative of the principles of natural justice. This Court,



therefore, would hold that without casting any shadow on the criminal investigation which is proceeding in the matter, the petitioner should not be made to suffer any stigma on account of the enquiry report, dated 7.5.2014.

The writ petition is disposed of.

If the petitioner is not disqualified on account of pendency of the criminal proceeding then it will be open to the authorities to consider his appointment on contractual basis without placing reliance on the enquiry report, dated 7.5.2014.

(Madhuresh Prasad, J)

SNkumar/-

U			
---	--	--	--

