

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19790 of 2015

Janardhan Pandey S/O late Saryug Pandey. U. Madya Vidyalaya Siya Pokhar
Mihaniya, District Bhabhua. Petitioner/s

Versus

1. The State Of Bihar
2. District Magistrate Kaimur Bhabhua.
3. District Education Office Kaimur Bhabhua.
4. District Programme Officer establishment Bhabua.
5. Block Development Officer Mohaniya Kaimur.
6. Block Education Officer Mohaniya, District Kaimur.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Rajendra Nath Sinha, Advocate
For the Respondent/s : Mr.Pawan Kumar, AC to AG

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 08-07-2019 Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the State.

The petitioner was inflicted major punishment of stoppage of two annual increments with cumulative effect. Unfortunately, while inflicting major punishment the respondents have not followed the law laid down by the Apex Court in the case **Union of India Vs. Mohammad Ramzan Khan: (1991) 1 SSC 588** which was approved by the Constitution Bench of the Apex Court in the case of **Managing Director, ECIL Vs. B.Karunakar-II: (1993) 4 SCC 727**.

The petitioner was inflicted punishment of stoppage of two increments with cumulative effect and he was declared ineligible for managing the affairs of the school and holding financial power.



It is not in dispute that the petitioner was not served with the second show cause notice before inflicting punishment. The enquiry report is enclosed by the respondents in the counter affidavit as Annexure-A. Annexure-A is more in the nature of opinion than report. Apart from the infirmity in the enquiry report the action of the respondents in inflicting major punishment is unsustainable for the reason that before inflicting major punishment the petitioner was not given second show cause notice with copy of enquiry report.

Considering the aforesaid, the Court is constrained to allow this writ petition for violation of the principles of natural justice. The order inflicting punishment as contained in Annexure-1 to the writ petition, in the aforesaid circumstances, cannot sustain. It is accordingly quashed. The petitioner is, accordingly, entitled to all consequential benefits.

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

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(Anil Kumar Upadhyay, J)

