

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6765 of 2018

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Jitendra Kumar Pandey, S/o Late Hari Narayam Pandey, resident of village-
Jorawarpur Milki, P.S. Ara Muffasil, District- Bhojpuri, at present working as
Class- 4 Employee (Dismissed) Bihar Sanskrit Shiksha Board, Patna.

... .. Petitioner

Versus

1. The State Of Bihar through the Special Director (Sanskrit) New Secretariat,
Patna.
2. Bihar Sanskrit Shiksha Board through its Secretary, Patna.
3. The Chairman, Bihar Sanskrit Shiksha Board, Patna.
4. The Secretary/Bihar Sanskrit Shiksha Board, Patna.
5. The Inquiry officer cum Examination Controller, Bihar Sanskrit Shiksha
Board, Patna.

... .. Respondents

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Appearance :

For the Petitioner/s	:	Mr. Aditya Narayan Singh, Advocate Mr. Uday Prasad Singh, Advocate
For the State	:	Mr. Vivek Anand Amritesh, A.C. to S.C.-28
For the Board	:	Mr. S.S. Sundaram, Advocate Mr. Shashank Shekhar Jha, Advocate

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL JUDGMENT

Date : 29-07-2019

Heard learned counsel for the petitioner, learned
counsel for the State and learned counsel for the Bihar Sanskrit
Shiksha Board.

In this case, the petitioner is challenging the memo
no.1264 dated 26.07.2017, by which the petitioner has been
inflicted the punishment of compulsory retirement.

At present the petitioner has already crossed the
age of superannuation, so his reinstatement in service does not



arise. The charge has been levelled against the petitioner that he had not deposited the cheque of Group Insurance, on that account the Policy No. GSLI 250103 got lapsed and he has not informed this fact to the office. The petitioner was given show-cause along with details of imputation and was asked to give explanation, which he has given, but nowhere he has denied the allegation made in the charge-sheet. Earlier, the petitioner had moved before this Court by way of filing a writ petition and this Court has disposed of the said writ petition with a direction to the respondents to appoint Enquiry Officer as well as Presenting Officer. Whereafter, Smt. Maya Rani, Controller of Examination was appointed as Enquiry Officer and Sri Himanshu Bhushand Upadhayay, Assistant, was appointed as Presenting Officer, Accordingly inquiry was conducted, the Enquiry Officer submitted the inquiry report, after receipt of comment on the report of the Enquiry Officer, finally the order of punishment of compulsory retirement has been passed.

Learned counsel for the petitioner submits that the plea which the petitioner has taken has not been dealt with as he has orally explained about non-depositing of the cheque in time. However, the petitioner is not in a position to deny the allegation made against him, thereby Group Insurance Policy



No. GSLI 250103 has lapsed, on that account a financial loss has been caused to one of the employee of the Board.

The Court would have interfered with the order of punishment, had there been any procedural lapse or decision is so outrageous to the defiance of logic, but in the present case, situation is not the same as the allegation made against the petitioner is very serious one, on that account the other colleague of the petitioner has suffered a financial loss i.e. his Group Insurance Policy has lapsed.

In such view of the matter, this Court does not find any merit in this writ petition, accordingly, the same is dismissed. However, if the retiral dues has not been paid to the petitioner, the same should be paid to him in accordance with law without unnecessary delay preferably within a period of three months from the date of receipt/production of a copy of this order.

(Shivaji Pandey, J)

pawan/-

AFR/NAFR	N.A.F.R.
CAV DATE	N/A.
Uploading Date	31.07.2019
Transmission Date	

