

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17912 of 2019

Deep Narayan Shastri @ Deep Narayan, aged about 39 years, Male, Son of Late Ramadhar Singh, Resident of Village and Post- Nimoiya, (Bhelwa Circle), P.S.- Ghorasahan, District- East Champaran.

... .. Petitioner

Versus

1. Central Board of Secondary Education (C.B.S.E.) Through the Chairman, Shiksha Kendra 2, Community Central Preet Vihar, New Delhi.
2. Secretary, Central Board of Secondary Education, New Delhi.
3. D.A.V. College Managing Committee through its President having its Office at Chitra Gupta Road, Paharganj, New Delhi- 110055.
4. General Secretary D.A.V. College Managing Committee at Chitra Gupta Road, Paharganj, New Delhi- 110055.
5. Director (PS II) D.A.V. College Managing Committee, Chitra Gupta Road, Paharganj, New Delhi- 110055.
6. Manager B.K. D.A.V. Public School, Main Road, Mokama, Patna.
7. Vishnu Shankar Ojha, Manager-cum-Disciplinary Authority, B.K. D.A.V. Public School, Main Road, Mokama, Patna.
8. Principal D.A.V. Public School, Main Road, Mokama, Patna.
9. Shashi Shekhar Singh, Principal, D.A.V. Public School, Main Road, Mokama, Patna.
10. Assistant Regional Director, D.A.V. Public Schools, Begusarai- Zone, G C/o BR DAV Public School Refinery Township, Barauni, Begusarai.
11. Smt. Anjali, Assistant Regional Director, D.A.V. Public Schools, Begusarai- Zone, G C/o BR DAV Public School Refinery Township, Barauni, Begusarai.
12. The State of Bihar through the Principal Secretary, Human Resources Department, Govt. of Bihar, Patna.

... .. Respondents

Appearance :

For the Petitioner	:	Mr.Deepak Kumar Sinha, Advocate.
For the State	:	Mr.Madhaw Prasad Yadaw, G.P. 23.
For the R. Nos. 3 to 11	:	Mr. Surinder Kumar, Advocate.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

4 25-09-2020 Heard learned counsel for the petitioners and learned counsel for the respondents.

The following reliefs have been sought for by the petitioner



in the present writ application.

“1 (I) To command and direct the respondents i.e., State of Bihar and C.B.S.E. to quash/enquire over the suspension of petitioner w.e.f., from 31.10.2017 by the order of Assistant Regional Director, D.A.V. Public Schools, Begusarai-Zone, C/O BR D.A.V. Public School Refinery Township, Barauni, Begusarai, till date by way of punishment without giving proper opportunity to him against the natural justice for such a long period vide Memo No. 532 dated 31.10.2017 and deprived the petitioner from his full salary and other consequential benefit, even no any T.A./D.A. because he is working at Mokama but departmental proceeding initiated against him at Patna and conducted against the C.B.S.E. affiliation rule and not come to any conclusion till date i.e., punishment without said to be punishment.

II. To further command and direct the respondents specially C.B.S.E. and State of Bihar- that in case of violation of no objection of State of Bihar as well as violation of affiliation bye-laws of C.B.S.E. process with regard to cancellation of affiliation of school be initiated.

III. To command and direct the respondents to revoke the suspension and restore of petitioner in his earlier position as before to the post of Teacher (Subject-Sanskrit, PRT) in B.K. D.A.V. Public School, Mokama.

IV. To direct the respondents to ensure the fair departmental proceeding with giving proper opportunity to defend himself accordance with law which is not done by the respondents, hence, they have not supplied the evidence which was sought by the petitioner though he is compelling to submit explanation in absence of evidences/witnesses (without cross-examination) in conspiracy to punish the



petitioner and proceeding is only eye wash.
V. To pay the arrears of salary as per the pay revisions, MACP after calculation of same as petitioner is entitled as per the C.B.S.E. affiliation bye-laws i.e., as per the Kendriya Vidyalaya/Central Government including proper H.R.A., Salary Allowances and other benefits such as D.A., C.C.A., Medical Allowance, L.T.C., etc., as per the pay structure since the date of appointment.”

Considering the facts and circumstances, the petitioner is directed to file statutory appeal before the concerned District Appellate Authority, within a period of thirty days from the date of the order and the same shall be disposed of in accordance with law within the statutory period.

With the aforesaid observation and direction, the present writ application stands disposed of.

(Sudhir Singh, J)

U.K./-

U			
---	--	--	--

