

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.504 of 2020

Rupam Kumari, wife of Sunil Kumar Singh and daughter of Shivram Singh, resident of village and P.O. Bhaur, P.S. Khaira, District- Jamui, presently residing at Ramlal Singh Complex, Flat No. 201, Road No. 5, Near Mini Gym, Nehru Nagar, P.O. and P.S. Patliputra, District- Patna.

... .. Petitioner

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. Principal Secretary, Education Department, Government of Bihar, New Secretariat, Patna.
3. The Director, Primary Education, Government of Bihar, New Secretariat, Patna.
4. The District Education Officer, Jamui, District- Jamui.
5. The District Program Officer (Establishment), Jamui, District- Jamui.
6. The Block Development Officer, Khaira, District- Jamui.
7. The Block Education Officer Kahira, District- Jamui.
8. The Headmaster, Middle School, Bhaur, Block- Khaira, District- Jamui.
9. The Presiding Officer, District Teachers Appellate Authority, Jamui, District- Jamui.

... .. Respondents

Appearance :

For the Petitioner/s	:	Ms.Anita Kumari
	:	Mr.Shashi Bhushan Kumar Mangalam
	:	Mr.Awnish Kumar
For the Respondent/s	:	Mr.Madanjeet Kumar (GP 20)

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

5 27-07-2021 This matter has been taken up for hearing online because of COVID-19 pandemic restrictions.

The petitioner was working as Primary Teacher in Middle School, Khaira in the District of Jamui. She has put to challenge an order dated 28.12.2019 passed by the Block



Development Officer, Khaira whereby her service has been terminated on the ground that she had remained un-authorizedly absent from service from 01.08.2011 to 29.06.2015. It is specific case of the petitioner that before the said order of termination was passed, she was not given any opportunity of hearing by putting her on show cause notice or initiating any departmental proceeding. Reliance has been placed on Rule 15 of Bihar Panchayat Elementary Teacher (Employment and Service Conditions) Rules, 2012 and it has been contended that without holding departmental enquiry major punishment of dismissal from service could not inflicted.

Counter affidavits have been filed on behalf of the respondents. There is no denial of the statement made by the petitioner that she was not put to any show cause notice nor any departmental proceeding was initiated before passing of the order of dismissal.

Considering the admitted facts and circumstances, as noted above, the said order dated 28.12.2019 passed by the Block Development Officer, Khaira (Annexure 18) is hereby set aside. The matter is remanded back to the competent authority to pass an order in accordance with law within a maximum period of three months from the date of receipt/production of a



copy of this order.

This application is allowed with the aforesaid observation and direction.

(Chakradhari Sharan Singh, J)

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