

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5074 of 2021

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Tanjeem Ansari, Son of Jahir Ansari, Resident of Village-Mahalwari, P.S.-Dagarua, District-Purnea, at present posted as Block Teacher, Middle School, Mahalwari, Block-Dagarua, District-Purnea.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Bihar, Patna.
2. The Principal Secretary, Education Department, Bihar, Patna.
3. The Director Primary Education Department, Bihar, Patna.
4. The District Education Officer, Purnea, District-Purnea.
5. The District Programme Officer (Estab), Purnea, District-Purnea.
6. The Block Development Officer-cum-Secretary, Block Teacher Employment Committee, Dagarua, District-Purnea.
7. The Block Education Officer, Dagarua, District-Purnea.
8. The Chairman, Block Development Employment Unit cum Block Pramukh, Block-Dagarua.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Bhola Prasad
For the Respondent/s : Mr.Lalit Kishore (Ag)

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 17-04-2021 The present writ petition has been filed seeking the following reliefs:-

“(i) For issuance of writ in the nature of certiorari for quashing the letter bearing Memo No. 1724 dated 23.12.2020 by which petitioner has been suspended in contemplation of a departmental proceeding under Rule 15(chh) of Teacher Employment and Service Condition, 2020 in the light of the letter bearing Memo No. 1373 dated 26.11.2020 issued by the respondent District Education Officer, Purnea.



(ii) For further issuing direction to the respondents to revoke the suspension of the petitioner on the ground that the letter contained in Memo No. 1724 dated 23.12.2020 is not in consonance with the enquiry report dated 12.10.2020 of three men committee as well as letter bearing Memo No. 1373 dated 26.11.2020 issued by the respondent District Education Officer, Purnea.”

The learned counsel for the petitioner Shri Bhola Prasad has submitted that earlier also the petitioner was suspended vide office order dated 10.06.2020 passed by the Block Development Officer-cum-Secretary, Block Teacher Employment Committee, Dagarua, District-Purnea on the ground that the petitioner had indulged in financial irregularities and indiscipline, however, the same had stood quashed by an order dated 02.09.2020 passed by the learned District Teachers Appellate Authority, Purnea upon an appeal, bearing Appeal No. 3 of 2020, having been filed by the petitioner. It is submitted that again on the same ground the Block Development Officer, Purnea has passed an order dated 23.12.2020 suspending the petitioner on the ground that he has engaged in financial irregularities. It is submitted that though the petitioner would be approaching the District Teachers Appellate Authority, Purnea for redressal of his grievances but the said authority be directed to consider its earlier order dated 02.09.2020 and pass appropriate orders



within a stipulated time frame.

Having regard to the facts and circumstances of the case, the present petition stands disposed off as not pressed, however, with liberty to the petitioner to approach the District Teachers Appellate Authority, Purnea for redressal of his aforesaid grievances and in case the petitioner files appropriate appeal within a period of eight weeks from today, the appellate authority shall consider the case of the petitioner on merits and after hearing the affected parties, shall pass appropriate orders, in accordance with law, preferably within a period of twelve weeks therefrom.

It is needless to state that during the interregnum period, the petitioner would be entitled to payment of subsistence allowance, in accordance with law.

(Mohit Kumar Shah, J)

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