

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3631 of 2020

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Suresh Paswan S/o Sukhlal Paswan R/o Village- Mahabalipur, P.O.- Kahjuri,
P.S.- Kalyanpur, District- Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Government of Bihar, Patna.
2. The Principal Secretary, Education Department, Government of Bihar, Patna.
3. The Principal Secretary, Panchayati Raj Department, Government of Bihar, Patna.
4. The Director , Panchayati Raj Department, Government of Bihar, Patna.
5. The District Magistrate-Cum- Second Appellate Authority Public Grievance Redressal Authority, Samastipur, District- Samastipur.
6. The Additional District Collector-Cum- First Appellate Authority Public Grievance Redressal Authority, Samastipur, District- Samastipur.
7. The Sub- Divisional Office-Cum- Grievance Public Redressal Officer Samastipur, District- Samastipur.
8. The District Education Officer Samastipur, District- Samastipur.
9. The District Programme Officer Establishment (Education), Samastipur, District- Samastipur.
10. The Block Development Officer Kalyanpur, District- Samastipur.
11. The Block Education Officer, Kalyanpur, District- Samastipur.
12. The Mukhiya-Cum-Chairman Panchayat Teacher Employment Committee, Gram Panchayat Raj- Purushottampur, Block- Kalyanpur, District- Samastipur.
13. The Panchayat Secretary-Cum- Secretary Panchayat Teacher Employment Committee, Gram Panchayat Raj- Purushottampur, Block- Kalyanpur, District- Samastipur.
14. Jagdish Mahto S/o Ram Narayan Mahto R/o Village- Hasanpur Kirat, P.O.- Muktapur, P.S.- Kalyanpur, District- Samastipur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Mrityunjay Kumar, Adv.
For the Respondent/s : Mr.Madhukar Mishra, AC to SC-16

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

7 08-02-2021

The present writ petition has been filed for quashing



the order dated 14.12.2019 passed in Complaint Case No. 419110127021902765/ 2A by the District Magistrate-cum-Second Appellate Authority, Public Grievance Redressal Authority, Samastipur, District Samastipur, whereby and where-under the District Education Officer, Samastipur has been directed to initiate a departmental proceeding against the petitioner as also prayer has been made for setting aside the follow-up order dated 19.12.2019 issued by the District Education Officer, Samastipur whereby and where-under, the Secretary, Panchayat Teacher Employment Unit has been directed to suspend the petitioner from his service with immediate effect and initiate a departmental proceeding against the petitioner.

The learned counsel for the petitioner has submitted that since the petitioner has neither been suspended nor any departmental proceeding has been initiated against him till date, hence it be directed that before any such action is taken against the petitioner, at least a show cause notice be served on the petitioner, so that he can furnish his defence.

The learned counsel for the State, Shri Madhukar Mishra, AC to SC-16 has got no objection.

Having regard to the facts and circumstances of the



case, I deem it fit and proper to dispose of the present writ petition with a direction to the respondents that in case they propose to either suspend the petitioner or initiate a departmental proceeding against the petitioner, a show cause notice be first issued to the petitioner, seeking his reply and after considering the reply of the petitioner, appropriate action be taken in accordance with law. Consequently, the aforesaid orders dated 14.12.2019 and 19.12.2019 are deemed to have been rendered redundant.

(Mohit Kumar Shah, J)

Tiwary/-

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