

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13217 of 2019

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Usha Kumari, Wife of Chotelal Prasad, Resident of Mohalla- Jagdeo Nagar,
Baolia Road, Sasaram, Police Station- Sasaram, District- Sasaram.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Education, Government of Bihar, Patna.
2. The District Magistrate, Rohtas at Sasaram.
3. The Deputy Director Education, Patna Division, Patna.
4. The District Education Officer, Rohtas, Sasaram.
5. The District Programme Officer (Establishment) Rohtas, Sasaram.
6. The Treasury Officer, Rohtas, Sasaram.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Shashi Bhushan Kumar
For the Respondent/s : Smt.Shilpa Singh (Ga12)

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 21-12-2023 1. The petitioner has challenged the order of punishment dated 19.03.2019 bearing Memo No. 0643 imposed upon her in the departmental proceeding by which two increments of the petitioner has been stopped with non cumulative effect and further it has been directed that the petitioner shall not be paid salary/allowance for the suspension period except subsistence allowance.

2. Learned counsel for the petitioner submits that petitioner is working as a Teacher in Middle School Kapasia, District: Rohtas. Vide letter dated 20.12.2016 the petitioner was suspended and in the suspension letter itself it was indicated



that departmental proceeding shall be initiated against the petitioner for which Enquiry Officer and Presenting Officer were appointed. The memo of charge was served upon the petitioner in 2017 and Enquiry Officer submitted the enquiry report dated 18.03.2019 holding charges against the petitioner as proved. Learned counsel submits that copy of the enquiry report was not served upon the petitioner and no show cause notice was issued by the disciplinary authority before passing the order of punishment. According to him the order imposing punishment is vitiated on the ground of not following the principle of natural justice and procedural irregularities.

3. Learned counsel for the State is not in a position to controvert the submission of learned counsel for the petitioner.

4. Having heard learned counsel for the parties and taking into consideration the fact that copy of enquiry report was not served upon the petitioner and petitioner was not given show cause notice by the disciplinary authority before passing order of punishment, accordingly, in my considered opinion this amounts to gross procedural irregularity and violation of the principal of natural justice.

5. In the result, the order of punishment dated 19.03.2019 is quashed. The matter is remanded back to the



disciplinary authority to furnish the copy of enquiry report along with show cause to the petitioner. The disciplinary authority may proceed from the stage of show cause to be served upon the petitioner.

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

(Anil Kumar Sinha, J)

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