

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17914 of 2022

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Vinod Kumar Sharma son of Sri Krishna Singh, Resident of Village- Patahi
(Ramcharitra Nagar), P.S.- Sadar District- Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Education Department, Government of Bihar.
2. The Additional Principal Secretary, Education Department, Government of Bihar.
3. The Director (Administration) cum Additional Secretary Education, Government of Bihar.
4. The Special Secretary cum Director Administration Government of Bihar.
5. The District Education Officer, Muzaffarpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Uday Prakash Shrarma, Adv.
For the State : Mr. Jitendra Kr. Roy, Adv.

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CORAM: HONOURABLE MR. JUSTICE SANJEEV PRAKASH SHARMA

ORAL ORDER

- 2 06-01-2023 1. The petitioner by way of this writ petition assails the action of the respondents in punishing him with penalty of censure without conducting a departmental enquiry.
2. Learned counsel submits that the copy of the enquiry report was not made available to him. I have carefully considered the submission and find that the Deputy Director circle Muzaffarpur vide his order dated 27.01.2021 mentions about the petitioner being issued a show cause notice in relation to the complaint vide their letter dated 29.12.2020 seeking explanation from the petitioner. The petitioner as Principal of



DIET Rambagh, Muzaffarpur submitted his explanation on 31.12.2020, whereafter findings were arrived by the Regional Education Deputy Director circle Muzaffarpur and found the conduct of the petitioner not in accordance with that of a responsible officer. Whereafter, the petitioner was issued a charge-sheet along with memorandum dated 09.03.2021 which was communicated vide registered letter which is admitted to have been received and thereafter an action has been taken after receiving explanation awarding a minor penalty of censure. The suspension order has been set aside and the petitioner has also been paid the entire payment during the suspension period. Personal hearing was also provided to the petitioner on 25.03.2021.

3. Learned counsel's contention that a copy of the enquiry report has not been made available to him is wholly mis-conceived. In a case relating to enquiry for minor penalty, the only requirement is of issuing a show cause and seeking an explanation thereto. If a delinquent wants, he may be given a personal hearing too. A detailed enquiry as envisaged under Rule 17 of the Rules of 2005 is not required to be conducted. The question of giving copy of enquiry report would therefore not arise. The order passed by the authority therefore is in



consonance with the provisions of the Rules of 2005 and do not warrant any interference.

4. The writ petition is mis-concieved and is accordingly dismissed.

(Sanjeev Prakash Sharma, J)

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