

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.596 of 2022

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Raj Kishore Upadhayay son of Late Jai Mangal Upadhayay at present
residing at Koiriya Tola, P.S.- Raxaul Town, District- East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department,
Bihar, Patna.
2. The Director (Secondary Education), Bihar, Patna.
3. The Joint Director (Secondary Education), Bihar, Patna.
4. The Regional Deputy Director of Education, Tirhut Division, Muzaffarpur.
5. The District Education Officer, East Champaran, Motihari.
6. The District Programme Officer (Sec. Edn.), East Champaran.
7. The Headmaster, Hazarimal High School, Raxaul, East Champaran,
Motihari.
8. The Treasury Officer, East Champaran, Motihari.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Lal Mani Sharma, Adv.

For the Respondent/s : Mr. Kameshwar Kumar, G.P. 17

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL JUDGMENT

Date : 28-03-2024

Heard learned counsel for the petitioner and learned
counsel for the respondents-State.

2. This writ petition has been filed for the following
reliefs:

*(I) For issuance of an appropriate writ
for quashing of the order contained in
Memo No. 2421 dated 10.12.2021
(Annexure-17) passed by the Director
(Secondary Education), Bihar Patna the
respondent no. 2 by which by way of
punishment for a period of not more than*



three years, without cumulative effect the petitioner has been demoted to lower stage in the time scale.

(ii) For issuance of an appropriate writ, order or direction directing and commanding the respondents to give the petitioner all consequential benefits after quashing of the aforesaid order contained in Memo No. 2421 dated 10.12.2021(Annexure-17).

(iii) For issuance of an appropriate writ restraining the petitioner from taking any coercive action against the petitioner.

(iv) For any other relief/reliefs of which the petitioner is legally entitled to.

3. Learned counsel for the petitioner submits that during the service period, a departmental proceeding was initiated against the petitioner. He submits that in the proceeding the petitioner was found guilty and was demoted to lower stage in the time scale. He further submits that in course of enquiry neither any evidence was produced nor any witness was examined to prove the charges against the petitioner. He lastly submits that on earlier occasion, copy of the enquiry report was served upon the petitioner.

4. Leaned counsel for the State is not in a position to explain that under what circumstances enquiry report has not



been served upon the petitioner.

5. Considering the facts and circumstances of the case and the submissions made on behalf of the parties, I am of the opinion that before punishment of the petitioner, enquiry report must be served upon him.

6. In view of the facts and circumstances of the case, the order dated 10.12.2021 passed by the Director (Secondary Education), Bihar, Patna is set aside and this writ application is allowed with all consequential benefits which is admissible to the petitioner in accordance with law.

(Anjani Kumar Sharan, J)

devendra/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	02.04.2024
Transmission Date	NA

