

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3885 of 2021

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Onkar Nath Roy S/o Late Santoshi Prasad Roy, R/o Village and P.O. -
Nawadih, P.S. - Rupow, District - Nawada.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department,
Govt. of Bihar, Patna.
2. The Director, Primary Education, Education Department, Govt. of Bihar,
Patna.
3. The Regional Deputy Director of Education, Magadh Division, Gaya.
4. The District Education Officer, Nawada.
5. The District 6 Programme Officer (Establishment), Nawada.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ram Sagar Singh, Advocate
For the Respondent/s : Mr. Hitesh Suman, AC to SC 13

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL JUDGMENT

Date : 06-03-2024

Heard Mr. Ram Sagar Singh, learned counsel for the
petitioner as well as Mr. Hitesh Suman (AC to SC 13), learned
counsel for the State.

3. Learned counsel for the petitioner submits that the
petitioner was appointed as Assistant Teacher in Middle School,
Samarigarh, Govindpur, Nawan upon selection and
recommendation by the Bihar Public Service Commission and
accordingly, he joined the said school on 16.08.1994. Vide letter
no.988 dated 07.06.1995, issued by the respondent no.2, a
decision was taken to grant Matric Trained Scale to Graduate
untrained and intermediate untrained including the petitioner.
Petitioner, after working at several places, was transferred to the



present school as Headmaster, Upgraded Middle School, Ektra, Govindpur, Nawada on 19.11.2016. He further submits that petitioner was suspended and departmental proceedings was initiated against him vide order dated 09.01.2018 issued by the respondent no.5. Respondent no.5 issued memo of charges vide memo no.530 on 13.03.2018. Petitioner filed his clarification on 30.05.2018(Annexure-6). He further submits that the Inquiry Officer submitted his enquiry report to the respondent no.5 by a letter dated 12.06.2018 and recommended to exonerate the petitioner from all charges.

3. Learned counsel for the petitioner further submits that on 22.01.2020, memo no.261, was issued by the respondent no.5 and he revoked the suspension of the petitioner but with the order to continue with the departmental proceeding against him. Respondent no.5 transferred the petitioner and also issued a supplementary charge sheet on the same day i.e. on 22.01.2020 and levelled other additional charges against him.

4. He further submits that an appeal was filed by the petitioner before the respondent no.3 on 27.01.2020 against the order of respondent no.5. Respondent no.3 disposed of the appeal on 14.07.2020 and stayed the transfer of the petitioner but did not interfere in other parts of the order of the respondent



no.5. After revocation of suspension, petitioner submitted his joining before the respondent no.5 on 15.07.2020 and since that time, he was appearing and making attendance in the Office of the respondent no.5 till 29.08.2020.

5. He further submits that the petitioner was transferred in Middle School, Dhorha, Pakribarawah and after the day of transfer, the respondent no.5 again deputed the petitioner in Upgraded Middle School, Dharhara, Pakribarawah vide order dated 02.09.2020. The respondents kept pending the departmental proceeding against the petitioner for about two years and nine months.

6. He further submits that the transfer of petitioner was violative of Rule 5(1) of Bihar Nationalized Primary School Teacher Transfer, Disciplining Proceeding and Promotion Rules, 2018 and as such the transfer of the petitioner was illegal.

7. He further submits that vide memo no.412 dated 13.04.2022, the departmental proceeding against the petitioner was concluded and it was held to withhold his two increments and concerned authorities was directed to post the petitioner within a period of four weeks and, accordingly, the petitioner was posted at Utkramit Madhya Vidyalaya, Anandpura, Nawada, vide memo no.2290 dated 06.09.2022. Petitioner



joined the said school on 07.09.2022. Now, the grievance of the petitioner is that he was not getting the salary from 15.07.2020 to 06.09.2022.

8. He lastly submits that the petitioner joined the Office of Respondent no.5 on 15.07.2020 and was relieved from his Office on 06.09.2022.

9. In such view of the matter, this writ application is disposed of with a direction to the petitioner to file a representation before the respondent no.4 along with a copy of this order and other documents in support of his claim regarding the arrears of salary from 15.07.2020 to 06.09.2022. The respondent no.4 shall dispose of the representation of the petitioner within a period of six weeks’ by way of passing a speaking and reasoned order.

10. It is made clear that the respondent no.4 shall be held responsible non-compliance of this order within the stipulated period.

(Anjani Kumar Sharan, J)

shikha/-

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

