

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2509 of 2023

Dasrath Prasad Roy Alias Dasrath Pd. Yadav S/o Arjun Rai, Resident of Village- Araiya Adalpur, P.S.- Patory, District Samastipur at present posted as the Head Master, Middle School Chaksaho, Block- Patori, District-Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Government of Bihar, Patna.
2. The Director, Primary Education, Government of Bihar, Patna.
3. The Regional Deputy Director, Education, Darbhanga, District- Darbhanga.
4. The District Education Officer, Samastipur.
5. The District Programme Officer (Establishment), Samastipur.
6. The Block Education Officer, Patori Samastipur.
7. The District Programme Officer, Mid Day Meal Scheme, Samastipur.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Binit Kumar, Adv.
For the Respondent/s : Mr.Madhaw Pd. Yadaw, G.P.-23
Mr. Girijish Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL JUDGMENT
Date : 20-06-2024

Heard learned counsels for the parties.

2. By filing the present writ application, the petitioner has prayed for issuance of an appropriate writ(s), order(s) or direction(s) particularly in nature of certiorari to set aside office order dated 03.08.2022 contained in memo no. 3225 passed under signature of the District Programme Officer (Establishment), Samastipur (Respondent No.- 5) whereby the



Respondent authority pleased to pass an order of punishment to withheld two annual increment, however with non cumulative effect, besides transferring him from Middle School Chaksaho, Block-Patori, however totally in arbitrary, whimsical and illegal manner dehors the principle of natural justice and/or grant any other equitable relief/reliefs befitting in the facts and circumstances of the case.

3. Learned counsel for the petitioner submits that from perusal of the impugned letter dated 03.08.2022 (Annexure-7 of the writ application), it appears that the impugned letter has been passed in very cursory manner since without taking into account the show-cause filed by the petitioner and making any averment regarding show cause submitted by him, the impugned punishment order dated 03.08.2022 has been passed withholding two increments, however, with non cumulative effect and also transferred him from the school.

4. It is further submitted that from perusal of the impugned order dated 03.08.2022, it is also pertinent that neither the petitioner was served with the copy of enquiry report nor he was served with second show-cause. Even the petitioner has filed a petition under R.T.I. requesting the respondent Authorities to supply him all the relevant papers regarding



enquiry and departmental proceedings, but nothing was done in this regard. However, later on, learned counsel for the petitioner fairly submits that the petitioner has been awarded minor punishment.

5. He further submits that some arrears of salary of the petitioner has not been paid to him and even after revocation of his suspension, he has not been paid full salary for the period of July 2021 to August 2022.

6. After hearing learned counsel for the petitioner and also on perusal of the case records, I deem it fit to direct the petitioner to file a detailed representation before the District Programme Officer (Establishment), Samastipur (respondent no.5) along with the supporting documents within a period of four weeks from the date of receipt/production of a copy of this order. The District Programme Officer (Establishment), Samastipur (respondent no.5) is well advised to dispose of the representation of the petitioner by a reasoned and speaking order within a period of ten weeks from the date of filing of such representation by the petitioner after hearing the petitioner personally or through his counsel.

7. It is made clear that the respondent no.5 shall be personally responsible for non-compliance of this order within



the stipulated period.

8. Accordingly, this writ application stands disposed of.

(Anjani Kumar Sharan, J)

divyanshi/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	02.07.2024
Transmission Date	NA

