

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18993 of 2016

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Hasnain Ahmad Rabbani S/o late Abdul Ahad R/o Village- Pakri Pokohi, P.S.-
Karja, District- Muzaffarpur.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, Human Resource Development Department, Government of Bihar, Patna.
2. Director, Secondary Education, Bihar, Patna.
3. Regional Deputy Director of Education, Tirhut Division, Muzaffarpur.
4. District Education Officer, Muzaffarpur.
5. District Programme Officer, Secondary Education, Muzaffarpur.
6. District Programme Officer, Establishment, Muzaffarpur.
7. The Principal/ Headmaster, Rajkiyakrit Uchh Vidyalaya Karja, Muzaffarpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Sanjay Parasmani, Advocate
For the Respondent/s	:	Mr.Sunil Kumar Mandal, SC 3
	:	Mr. Bipin Kumar, AC to SC 3

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 5 08-08-2024 1. Heard learned counsel for the petitioner, learned counsel for the State. No one appears for intervener- applicant.
2. The brief facts of the case are that at the relevant point of time, the petitioner was posted as a Clerk at Rajkiyakrit Uchh Vidyalaya, Karja at Muzaffarpur. While the petitioner was serving his duties, Memo of charge bearing no. 801 dated 24.06.2014 was served upon him with altogether four charges including charge no. 1 that the petitioner demanded bribe for payment of retiral benefits of Assistant Teacher Sri Ram Suresh



Prasad Singh. The petitioner submitted reply to the charges, explaining the circumstances of delay and denied the allegation of demand of dowry. The Inquiry Officer submitted the inquiry report before the disciplinary authority, exonerating the petitioner from all the charges stating that charges against the petitioner are not proved.

The Headmistress of the School, by letter dated 26.09.2015, annexed as Annexure-8 to the writ application, deducted a sum of Rs. 69,166/- from the salary of the petitioner on the basis of letter of District Programme Officer (Establishment), Muzaffarpur bearing no. 1260 dated 27.08.2015.

3. Learned counsel for the petitioner submits that during pendency of the departmental proceeding, a letter was issued by the District Programme Officer (Establishment), Muzaffarpur for deduction of Rs. 69,166/- from the salary of the petitioner, without issuing any show cause to the petitioner and without giving him opportunity to explain the circumstances. The Headmistress had also not given any opportunity to the petitioner to put his defense. However, after full-fledged inquiry, the petitioner has been exonerated from all the charges, which also includes delay in payment of retiral dues to one Assistant



Teacher Sri Ram Suresh Prasad Singh.

4. The respondents have failed to show that before passing order by either the District Programme Officer (Establishment), Muzaffarpur or the Headmistress of the School in question, any opportunity of hearing or any show cause was served upon the petitioner.

5. Upon hearing learned counsel for the petitioner and after perusing the materials on record, it appears that petitioner has been exonerated from all the charges in the departmental proceeding including the charge that petitioner demanded bribe for payment of retiral dues to superannuated Assistant Teacher Sri Ram Suresh Prasad Singh and due to which, the payment was delayed. After exonerating the petitioner from all the charges in the departmental proceeding, Rs. 69,166/- has been deducted from the salary of the petitioner by the Headmistress of the School in question for causing delay in payment to the retired teacher. However, if the petitioner has been found not guilty in the departmental proceeding, the deduction of the amount from his salary that too without any show cause is arbitrary and violative of principle of natural justice.

6. In the result, this writ application is allowed. the District Programme Officer (Establishment), Muzaffarpur



(respondent no. 6) is directed to refund a sum of Rs. 69,166/- to the petitioner, within a period of one month from the date of receipt/ production of a copy of this order.

(Anil Kumar Sinha, J)

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