

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.6916 of 2017**

Chhotan Kumar son of Late Bundela Rai resident of at present residing near Ramesh Printing Press Mithapur, Police Station - Jakkanpur, District - Patna at present c/o Ravindra Kumar Devi Mandap Road, Hanuman Nagar near Global Convent School, Hesal, Police Station - Sukhdeo Nagar, Ranchi, Jharkhand.

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The District Magistrate, Patna.
3. The District Program Officer, Establishment the Successor District Superintendent of Education Pa
4. The Block Education Extension Officer Dhanarua, District Patna.

... .. Respondent/s

**Appearance :**

|                      |   |                        |
|----------------------|---|------------------------|
| For the Petitioner/s | : | Mr. Jitendra Kumar Roy |
|                      | : | Mr. Ranjeet Kumar      |
|                      | : | Mr. Ayush Kumar        |
|                      | : | Mr. Kanishk Kaustubh   |
|                      | : | Mr. Sikhar Mani        |
|                      | : | Mr. Rishabh Gupta      |
|                      | : | Mr. Rajnish Prakash    |
|                      | : | Ms. Lakshmi Kumari     |
| For the Respondent/s | : | Mr. Binita Singh- Sc28 |

**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA**  
**ORAL ORDER**

- 8      25-06-2024      1. Heard the parties.
2. The petitioner has filed the present writ application for quashing the emo no. 4223 dated 23.05.2014 passed by the District Programme Officer, Establishment, Patna, by which the petitioner has been dismissed from the post of Assistant Teacher pursuant to a departmental proceeding.
3. Learned counsel for the petitioner submits that there was gross violation of law inasmuch as without serving the



memo of charge and without inquiry report having been prepared giving opportunity to the petitioner by the Inquiry Officer, the petitioner has been dismissed from service by the Disciplinary Authority.

4. Learned counsel for the State, however, submits that a show cause notice was served upon the petitioner for his unauthorized absence and the Inquiry Officer had allowed personal hearing to the petitioner and the same was entered in a noting of the file, as such, no separate inquiry report was prepared and the petitioner was heard and was provided an opportunity by way of serving second show cause.
5. With regard to service of memo of charge in prapatra 'Ka' learned counsel for the State agrees that no separate memo of charge was served upon the petitioner.
6. Having considered the rival submission and the fact that the procedure for holding departmental proceeding has been violated by the respondents, accordingly, the writ application is allowed and order of punishment, at Annexure 1, is set aside. Since the order has been set aside on the technical ground of non-service of the inquiry report and the memo of charge upon the



petitioner, the respondent/authorities are directed to start a fresh departmental proceeding against the petitioner within a period of three months after following the procedure established under the law and after serving the memo of charge upon the petitioner.

7. Since the order of punishment has been set aside on the technical ground of violation of principle of natural justice, the petitioner is being reinstated in service for the limited purpose of holding departmental proceeding and shall be treated as suspended. No subsistence allowance and/or back wages shall be paid to the petitioner as a result of reinstatement. The payment of wages and other benefits shall depend upon the final outcome of the departmental proceeding.
8. Accordingly, the present writ application is disposed with the aforesaid direction.

**(Anil Kumar Sinha, J)**

HarshPandey/-

|   |  |  |  |
|---|--|--|--|
| U |  |  |  |
|---|--|--|--|

