

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11847 of 2023

1. Ashok Kumar Son of Gopal Krishna Prasad, Resident of Village and Post Office- Pakri Basarat, Police Station-Sahebganj, District-Muzaffarpur.
2. Sangeeta Kumari Wife of Shri Ashok Kumar, Resident of Village and Post Office- Pakri Basarat, Police Station-Sahebganj, District-Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar Through the Principal Secretary, Ministry of Human Resources, Government of Bihar (New Secretariate), Bailey Road, Patna.
2. The Director, Primary Education, Government of Bihar, New Secretariate, Bailey Road, Patna.
3. The Deputy Director, Primary Education, Government Bihar, New Secretariate, Bailey Road, Patna.
4. The District Magistrate, Muzaffarpur.
5. The District Education Officer, Muzaffarpur.
6. The District Programme Officer (Estb.) Muzaffarpur.
7. The Block Education Officer, Sahebganj, Muzaffarpur.
8. The Chairman, Block Teachers Appointment Unit, Sahebganj, Block District Muzaffarpur.
9. The Block Panchayati Officer-Cum-Secretary, the Block Teachers Appointment Unit, Sahebganj Block, Muzaffarpur.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Raj Shekhar
For the Respondent/s : Mr. Madhaw Pd. Yadaw (Gp23)

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 22-03-2024 Heard learned counsel for the petitioners and learned
counsel for the State.

2. The present writ petition has been filed for
following reliefs:



“(i) For issuance of an appropriate writ/s, direction/s, order/s the nature of certiorari for quashing for order dated 12.07.2023 passed in O.A. Case No. 984 of 2022, the Chairman, State Appellate Authority, Education Department Bihar, Patna hereinafter referred in shorts as “Authority”.

(ii) For issuance of an appropriate writ/s, direction/s, order/s in the nature of certiorari for quashing of office order bearing memo no. 1450 and 1452 dated 27.08.2022 under the signature of respondent no. 9.

(iii) Any other relief/s for which the petitioners may found entitled by this Hon’ble Court.”

3. Learned counsel for the petitioners submits that, after departmental inquiry, the Inquiry Officer has exonerated the petitioners, but the disciplinary authority without giving the second show cause notice to the petitioners differed the Inquiry Officer’s report and given punishment to the petitioners (Annexure P/5 and P/5/1). Thereafter, the petitioners filed an appeal before the Appellate Authority and the Appellate Authority also dismissed the appeal of the petitioners. He further submits that the Disciplinary Authority, without giving notice of the second show cause to the petitioners, has passed the Annexures P-5 and P/5/1. He also relied upon the judgment of Division Bench of this Court passed in L.P.A. No. 1302 of 2017 dated 19.10.2023.

4. Considering the above made submissions, the order dated 12.07.2023 passed in O.A. Case No. 984 of 2022 (Annexure-P/7) and Memo No. 1450 & 1452 dated 27.08.2022



(Annexures- P/5 and P/5/1) is hereby quashed and the petitioners are entitled for all the consequential benefits. Further, the matter is remanded back to the concerned Authority to pass a fresh order in accordance with law, after hearing the petitioners.

(Anjani Kumar Sharan, J)

anand/-

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