

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4932 of 2017

=====

Poonam Kumari Wife of Madan Kishore, Resident of Mohalla- R.K. Puram
Colony, Near Saguna More, P.S. Danapur, District- Patna.

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The Principal Secretary, Education Department, Government of Bihar,
Patna.
3. The Director Administration-cum- Additional Secretary, Education
Department, Government of Bihar,
4. The Regional Deputy Director of Education, Magadh Division, Gaya.
5. The District Magistrate, Gaya.
6. The District Education Officer, Gaya.
7. The District Magistrate, Rohtas at Sasaram.
8. The District Education Officer, Rohtas.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr. Sri Krishna Ranjan
	:	Mr. S.K. Ranjan, Adv.
	:	Ms. Poonam Kumari, Adv.
For the Respondent/s	:	Mr. Ram Balak Mahto-Ag
	:	Mr. Vikash Jha, Ac to Ga9

=====

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

8 09-09-2025

1. Heard the parties.

2. The petitioner has been awarded punishment in a
departmental proceeding of stoppage of three increments with
cumulative effect.

3. Learned counsel for the petitioners submits that
while the petitioner was working as a Principal in Government
Girls High School, Ramana, Gaya, a departmental proceeding
was initiated against the petitioner and a memo of charge in



Prapatra “K” Dated 23.11.2008 was served upon the petitioner alleging habitual absence from the school, irregularity in expenditure of money allotted by the 12th Finance Commission and lack of educational environment in the school.

4. The petitioner was awarded punishment by the disciplinary authority namely Rajendra Ram Director (Prasashan) cum Additional Secretary, Education Department of stoppage of three increments with cumulative effect vide order dated 01.09.2015. The petitioner preferred departmental appeal before the Additional Chief Secretary, Education Department, Government of Bihar, challenging the order dated 01.09.2015 passed by the disciplinary authority. The memo of appeal has been annexed at Annexure 10. The contention of the petitioner is that instead of deciding the departmental appeal by the appellate authority i.e., Additional Chief Secretary/Principal Secretary, the same has been decided by the same authority i.e., disciplinary authority who passed the original order of punishment.

5. Learned counsel for the State is not in a position to controvert the submission made by the learned counsel for the petitioner that the same authority has passed the original order as well as the appellate order.



6. Considering the aforesaid submission advanced by the parties and the fact that departmental appeal filed by the petitioner has not been disposed by the appellate authority, accordingly, the purported appellate order annexed at Annexure 11 is set aside. The Additional Chief Secretary, Education Department, Government of Bihar, is directed to dispose the departmental appeal of the petitioner in accordance with law, a copy of which has been annexed at Annexure 10 to the writ petition, within a period of five months.

7. With the aforesaid direction, the present writ application is disposed.

(Anil Kumar Sinha, J)

harshpandey/-

U			
---	--	--	--

