

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17872 of 2023

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Kumari Sanju W/o Sri Ajay Kumar, resident of C/o Late Shudarshan Sharma,
B.K. Dutta Lane, New Jakkanpur, P.O.-G P O, P.S.-Jakkanpur, Distt.-Patna.
Pin-800001.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Education Department, Government of Bihar, Patna.
2. The Director, Primary Education, Bihar, Patna.
3. The Regional Deputy Director, Patna Region, Patna.
4. The District Education Officer, Patna.
5. The District Program Officer (Establishment), Patna.
6. The District Program Officer, Primary Education, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Hemant Kumar Karan, Advocate
For the Respondent/s : Mr. Government Pleader (18)

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 29-01-2025 Heard the learned counsel for the petitioner and

learned counsel for the State.

2. The present writ application has been filed for the

following reliefs:

*i. To direct respondents to fix pay scale
of Rs. 47,600-1,51,000/- P.G.T.Grade.*

*ii. To direct respondents to make
payment of salary due from July 2023 till current
months.*

*iii. To Direct respondents to restrain the
transfer from D.A.V. School, Khagaria, to D.A. V.
Public School, Katar Dehri on-Sone, Rohtas.*

*iv. To direct respondent to consider
resignation letter dated 25.4.2018 which is still
pending in said school and not accepted uptill*



now.

v. To grant relief or reliefs for which petitioner is found to be entitled the facts and circumstances of the case in light of Judgment reported in 1989 (2) S.C.C. 691 (Andi Mukta Sadgaru Sri Maktajee Vandas Swami Suhana Jayanti Mahatsovs mark Trust and others Vrs. V.R.Rudani and others).

3. Learned counsel for the petitioner submits that the petitioner was working as an Assistant Teacher in Dayanand Middle School, Mithapur, Patna and a departmental proceeding was started against him. The charge memo was given to the petitioner but in the said letter there is no list of witness and no document was provided to him.

4. Learned counsel for the petitioner further submits during the departmental proceedings no document was given to the petitioner, hence no reply could be filed. He further submits that no witness was examined.

5. Considering the aforesaid fact, by order dated 03.01.2024, the record of departmental proceedings was called for by this Court. I have perused the record and found that neither the name of the petitioner is available in the panel nor the panel document was provided to him.

6. In such view of the matter, as the said panel document was not provided to the petitioner, I set aside the enquiry report, the termination letter dated 19.08.2023



(Annexure-P/10) and the appellate order dated 16.11.2023. The respondents are directed to conduct the departmental proceedings afresh and conclude it within six months in accordance with law.

7. The payment of any consequential benefit would depend upon the result of the fresh departmental proceedings.

8. With the aforesaid observation and direction, this writ petition stands disposed of.

(Anjani Kumar Sharan, J)

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