

(2024) 01 PAT CK 0002

In the Patna High Court

Case No : Civil Writ Jurisdiction Case No. 6903 Of 2019

Ajit Kumar

APPELLANT

Vs

State Of Bihar

RESPONDENT

Date of Decision : 02-01-2024

Acts Referred:

Citation : (2024) 01 PAT CK 0002

Hon'ble Judges : Anil Kumar Sinha, J

Bench : Single Bench

Advocate : Sarvan Kumar, Jitendra Kumar Roy, Jai Prabhat Kishore

Final Decision : Dismissed

Judgement

1. Heard learned counsel for the parties concerned.
2. The present writ application has been filed for payment of salary to the petitioner, which is due from 1st May, 2014 to 12th January, 2016.
3. The brief facts of the case are that the petitioner is an Assistant Teacher and was posted in Primary School, Bahrawan, Patna. He being the senior-most teacher was given the charge of In-charge Headmaster.
4. Learned counsel for the petitioner submits that the petitioner discharged his duties with sincerity and without any complaint from any quarters and to the satisfaction of all but due to support from higher officials, one Jahira Khatoon, Assistant Teacher, who was junior to the petitioner, was given the charge of In-charge Headmaster. Thereafter, the said In-charge Headmaster Jahira Khatoon did not allow the petitioner to mark his attendance for the aforesaid period, for which the petitioner has filed various representations and complaints before the higher authorities. He further submits that the villagers as well as Secretary of Vidyalaya Shiksha Samiti have also confirmed that the petitioner was working for the aforesaid period.
5. On the other hand, learned counsel for the State argues that at the relevant

point of time, the petitioner was working as In-charge Headmaster and had remained absent from 14.05.2014 to 12.01.2016. He further submits that the petitioner defalcated huge sum of money which was allotted to the School for Mid-day meal, development of School Scholarship and under various other heads. He next submits that the petitioner was suspended and put under departmental proceedings vide Memo no. 425 dated 13.01.2016. The Memo of Charge in format-K dated 13.01.2016 was served upon the petitioner wherein 09 charges have been framed against him including charge no. 2, which is related to absence of petitioner from his duties without information w.e.f 14.05.2014. He also submits that the petitioner participated in the departmental proceeding and after giving due opportunity of hearing to the petitioner, enquiry report was submitted by the Enquiry Officer, in which charges framed against the petitioner were found to be proved. Lastly, it is submitted that a major punishment was imposed upon the petitioner by the disciplinary authority vide Memo no. 1517 dated 20.02.2019 and a sum of Rs. 19,47,766/- was ordered to be recovered from him.

6. I have heard learned counsel for the parties and perused the materials on record including that of a copy of the Enquiry Report, which is annexed as Annexure-B to the counter affidavit. The Enquiry Officer, after going through the attendance register and other materials, has found that the petitioner was absent from 14.01.2014 to January, 2016. The contention of the petitioner that he was working for the aforesaid period is not supported by any cogent material. The petitioner has not challenged the findings of the Enquiry Officer nor the order of punishment imposed upon him before the Appellate Authority or any other Forum.

7. In view of the fact that the Enquiry Officer, after due enquiry, has found that the petitioner was absent from his duties between the aforesaid period i.e. from 14.05.2014 to January, 2016, I do not find any merit in the present writ application, accordingly, the same stands dismissed.