
(2010) 04 JH CK 0036
In the Jharkhand High Court

Jitendra Bahadur

APPELLANT

Vs

The State of Jharkhand and Others

RESPONDENT

Date of Decision : 21-04-2010

Acts Referred:

Citation : (2010) 4 JLJR 560

Hon'ble Judges : Dhirubhai Naranbhai Patel, J

Bench : Single Bench

Final Decision : Allowed

Judgement

D.N. Patel, J.—Learned Counsel for the petitioner has vehemently submitted that the order passed at Annexure-1, which is impugned order, whereby, the Secretary, Jharkhand Academic Council, Ranchi, has passed an order attaching stigma upon the services of the petitioner, without giving any notice and without giving any opportunity of being heard to the petitioner, and thereby he has been blacklisted for doing any examination work for three years.

2. It is vehemently submitted by the learned Counsel for the petitioner that as no information was given to the petitioner by the respondents, he had no option, but, to apply under the Right to Information Act, 2005, yet no information was given and, therefore, the fact remains that without giving any notice and without giving any opportunity of being heard, the impugned order has been passed.

3. It is also submitted by the learned Counsel for the petitioner that the petitioner is serving in the Ram Lakhan Singh Yadav Inter College, Jhumri Telaiya, District-Koderma since 1986 as Lecturer in the subject of Physics sincerely, honestly, diligently and to the satisfaction of the respondents-State. Neither any notice has been ever received by the petitioner nor any service disciplinary action has been initiated against the petitioner. Spotless is the career of the present petitioner, and, therefore, as the impugned order has been passed is gross violation of principles of natural justice and therefore, order at Annexure-1, dated 15th October, 2009, deserves to be quashed and set aside.

4. It is further submitted by the learned Counsel for the petitioner that the petitioner is not, at all interested in examination of the papers in the subject of Physics, henceforth and if the respondents are giving voluntarily the work of examination of the papers in the subject of Physics, he will discharge his duties honestly and, in consonance with the law, looking to the long experience of the present petitioner in teaching in the subject of Physics as a Head of Examiner since one decade.

5. I have heard learned Counsel for the respondents who has vehemently submitted that for committing mistake of over-marking in a subject of Physics by the petitioner, the impugned order has been passed. Subject of Physics is a very important subject of Science Faculty and especially in the Intermediate Examination and, therefore, to maintain the standards of examination, order at Annexure-1 has been passed by the Secretary, Jharkhand Academic Council, Ranchi and, therefore, petition deserves to be dismissed.

6. Having heard learned Counsel for both the sides and looking to the facts and circumstances of the case, I hereby, quash and set aside the order, passed by the Secretary, Jharkhand Academic Council, Ranchi, dated 15th October, 2009 at Annexure-1 to the memo of petition mainly for the following facts and reasons:

(i) The petitioner is working as Lecturer in the subject of Physics in the Ram Lakhan Singh Yadav Inter College, Jhumri Telaiya, District-Koderma since 1986 and he has been working as the Head of Examiner in the aforesaid subject since last one decade.

(ii) The petitioner has been served with an order at Annexure-1 without giving any notice and without giving any opportunity of being heard to the petitioner, stigma has been attached upon the services of the present petitioner. Apparently, orders, passed at Annexure-1 is gross violation of principles natural justice. What was the hurry in the mind of the Secretary, Jharkhand Academic Council, Ranchi, is not reflected, at all in the order. No reasons has been assigned for this hurriedly passed order. Subsequently also no notice of hearing has been given. Thus, the impugned order deserves to be quashed and set aside for want of any notice and for want of any opportunity of being heard to the petitioner.

7. In view of the aforesaid fact, I hereby quash and set aside the order, passed by the Secretary, Jharkhand Academic Council, Ranchi, dated 15th October, 2009 at Annexure-1 to the memo of petition. It is made clearer by the learned Counsel for the petitioner that the petitioner is not at all interested in the examination of the papers in the subject of Physics, nonetheless, if the respondents are assigning these duties, looking to the long experience of the present petitioner for examination of the papers in the subject of Physics, he will accept the same and will discharge his duties sincerely, honestly and to the satisfaction of the State.

8. Accordingly, this writ petition is allowed and disposed of.