

(2019) 07 PAT CK 0225

In the Patna High Court

Case No : Miscellaneous Jurisdiction Case No. 1375 Of 2016, Civil Writ
Jurisdiction Case No. 13563 Of 2010

Sajada Bano

APPELLANT

Vs

State Of Bihar And Ors

RESPONDENT

Date of Decision : 12-07-2019

Acts Referred:

Citation : (2019) 07 PAT CK 0225

Hon'ble Judges : Ahsanuddin Amanullah, J

Bench : Single Bench

Advocate : Sheo Jee Mishra, Sunil Kumar Mandal, Neelam Kumari, Bipin Kumar, Arjun Prasad, Ravi Ranjan Kumar Singh

Final Decision : Disposed Of

Judgement

1. Heard learned counsel for the petitioner and learned SC 3 for the State.
2. The Additional Chief Secretary, Department of Education is present along with six officers, namely Mr. Suresh Prasad, the then District Programme Officer (Establishment) Bhojpur, Ara; Mr. Om Prakash, District Programme Officer, Vaishali; Deo Bind Kumar Singh, the then District Programme Officer (Establishment), Bhojpur, Ara; Upendra Kumar Singh, District Programme Officer, Gaya; Ramadhar Singh, District Programme Officer, (Establishment) Bhojpur and Mr. Kaushal Kishore, District Education Officer, Bhojpur.
3. Learned counsel for the State submitted that though Ms. Geeta Kumari Prasad, the then District Programme Officer (Establishment), Bhojpur, Ara is present in the Chamber of learned State counsel but because of her handicap, she has not come to Court. It was submitted that show cause has been filed on her behalf. The Court accepts the same without insisting on her personal presence before the Court.
4. The reason why the officers were called is detailed in the order dated 25.06.2019.

5. Today, show cause has been filed on behalf of the aforesaid seven officers. The Additional Chief Secretary submitted that in terms of the order of the Court dated 10.12.2012 passed in CWJC No. 13563 of 2010, the petitioner was noticed on 25.04.2019 to appear before the concerned employment unit on 29.04.2019 at 11.00 A.M. It was submitted that there was refusal to accept the notice by the petitioner which has been endorsed by two independent witnesses. It was submitted that thereafter the authorities have passed the order holding her employment itself to be bad for the reason that the Institution from which she has obtained the certificate of Intermediate was not an Institution which was recognized for such employment in the State of Bihar. It was further submitted that the petitioner has been paid up-to-date salary till 29.04.2019.

6. The Court finds that in support of the stand, there is material on record. Further, the fact of up-to-date payment till 29.04.2019 is not denied by learned counsel for the petitioner.

7. With regard to there being inordinate delay, the Additional Chief Secretary submitted before the Court that already show cause has been issued to the incumbents who were holding the post since the passing of the order by the writ Court and once the same is submitted, appropriate action shall be taken.

8. The Court is satisfied that the order of the writ Court has been complied with. With regard to delay, there could have been a case for award of some compensation but the fact that the delay has in a sense helped the petitioner, inasmuch as, she has been paid the full salary till 29.04.2019, in the considered opinion of the Court, the petitioner has been more than duly compensated.

9. Accordingly, the application stands disposed off.

10. The personal appearance of the officers also stands dispensed with.

11. It goes without saying that it shall be open to the petitioner to move before the appropriate forum, in accordance with law, if she is aggrieved by any action of the employment unit/officers in the present matter.