

Rani Bala Vs. State of Raj. and ors

Rani Bala Vs. State of Raj. and ors

SooperKanoon Citation : sooperkanoon.com/1160029

Court : Rajasthan Jodhpur

Decided On : Aug-06-2014

Appellant : Rani Bala

Respondent : State of Raj. and ors

Judgement :

S.B. Civil Writ Petition No.10918/2012 Rani Bala Vs. State of Rajasthan & Ors.
Order dtd. 06/08/2014 1/4 IN THE HIGH COURT OF JUDICATURE FOR
RAJASTHAN AT JODHPUR

ORDER

S.B. Civil Writ Petition No.10918/2012 Rani Bala Vs. State of Rajasthan & Ors. ..
Date of Order :::

06. h August, 2014 PRESENT HON'BLE Dr. JUSTICE VINEET KOTHARI
Appearance: None present for the petitioner. Mr. Pramod Kalla, Addl. B.E.EO,
present-in-person. Mr. Hanuman Prashad, Addl. D.E.O, D.E.O. (Legal) Elementary
Education, Jodhpur, -- BY THE COURT:

1. The lawyers are observing strike which is contrary to various Supreme Court
decision. None is present on behalf of petitioner though name of Mr. Kuldeep
Mathur, Advocate, is show in the cause list.

2. On behalf of respondents, the Officer-in-Charge of the case is present in
person. He submits that a joint enquiry held against the petitioner, Ms. Rani Bala

and one Kanti Lal Upadhayay. He further submits that writ petition filed by Kanti Lal Upadhayay being SBCWP No.11057/2012- Kanti Lal Upadhayay Vs. State & Ors., has already been disposed of by this Court vide the order dated 04th August, 2014, permitting the respondents to complete the disciplinary proceedings against the petitioner. S.B. Civil Writ Petition No.10918/2012 Rani Bala Vs. State of Rajasthan & Ors. Order dtd. 06/08/2014 2/4 3. The order dated 04.08.2014 passed in the case of Kanti Lal Upadhayay (supra) is quoted herein below:-

1. The lawyers are observing strike which is contrary to various Supreme Court decision. Name of Mr. Rajesh Shah and Ms. Meenu Purohit for Mr. G.R. Kalla is shown in the cause list.

2. The petitioner, Mr. Kanti Lal Upadhayaya, is present-in-person and on behalf of the respondents, Mr. Pramod Kalla, Addl. B.E.EO and Mr. Hanuman Prashad, Addl. D.E.O, D.E.O. (Legal) Elementary Education, Jodhpur, are present-in-person. Heard the parties present-in-person.

3. The present writ petition has been filed with the following prayers:- (a)- by an appropriate writ, order or direction, this petition may kindly be allowed with costs and the Order dated 26/9/2012 (Vide Annexure-8) placing the petitioner under suspension may kindly be set aside. (b)- by an appropriate writ, order or direction, the Memorandum along with charge and allegation dated 26.9.2012 (Vide Annexure-

9) may kindly be set aside and the petitioner may be reinstated back and be assigned the work as usual. (c)- by an appropriate writ, order or direction, the respondents may kindly be directed not to make any harassment to the petitioner or not take any action against the petitioner malafidely and biaselly (d)- Any other appropriate order or direction, which this Hon'ble Court deem just and proper be passed in faovur of the petitioner. (e)- Costs of this writ petition may kindly be allowed to the petitioner.

. S.B. Civil Writ Petition No.10918/2012 Rani Bala Vs. State of Rajasthan & Ors. Order dtd. 06/08/2014 3/4 4. The reply to the writ petition has been filed by the respondents and along with the reply, a copy of the Inquiry Report dated

18.08.2011 has been enclosed. It is submitted on behalf of the respondents that in view of the inquiry concluded against the petitioner, further disciplinary action is yet to be taken. However, in view of pendency of the present writ petition and further in view of ex parte stay order granted by this Court on 10.10.2012 staying the effect and operation of the impugned suspension order Annexure-9 dated 26.09.2012 passed by the District Education Officer (Elementary Education), Sirohi and similar suspension order was also passed against one Ms. Rani Bala, who has also challenged the same by filing the writ petition (No.10918/2012) which is pending in this Court.

5. In the present case, in view of the inquiry report filed by the respondents along with the reply, both the persons namely, Shri Rani Bala and Ms. Rani Bala, have been found guilty of the charges levelled against them in connection with the purchases of the provision for the mid-day meals provided by the Government to the children studying in the Government Schools. It is also submitted that further disciplinary action cannot be taken against the aforesaid persons because of pendency of the writ petitions.

6. In view of the reply submissions and the inquiry report, already filed, the respondents deserve to be set at liberty for passing appropriate orders against the present petitioner after giving him opportunity of hearing provided under Rules 16 (10) of the Rajasthan Civil Services (Classification, Control and Appeal) S.B. Civil Writ Petition No.10918/2012 Rani Bala Vs. State of Rajasthan & Ors. Order dtd. 06/08/2014 4/4 Rules, 1958.

7. Accordingly, this writ petition is disposed of and the respondents are at liberty to pass appropriate order against the present petitioner as well as said Ms. Rani Bala. It is needless to say that if any adverse order under the CCA Rules, 1958 against the petitioner is passed, he would also be at liberty to approach this Court by way of appropriate petition after exhausting the departmental remedies under the CCS (CCA) Rules, 1958. At this juncture, this Court does not consider it appropriate to keep this writ petition pending any further. The writ petition is, accordingly, disposed of.

8. A copy of this order be sent to the respondents forthwith alongwith the aforesaid directions.. 4. Since the present case is identical to that of Kanti Lal Upadhayay's case, therefore, to maintain the parity, the present writ petition is also disposed of in the same terms. No costs. A copy of this order be sent to the concerned parties forthwith. (Dr. VINEET KOTHARI), J.

DJ/- 62

SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com