

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15298 of 2015

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Vishnudeo Rai Son of Late Parameshwari Rai Resident of village -
Maharajdih, P.S. Chakai, District - Jamui

.... Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Education Department, Govt. of Bihar, New Secretariat, Patna
3. The Director (Primary) Education, Govt. of Bihar, New Secretariat, Patna
4. District Education officer, Bhagalpur, District Bhagalpur

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Pratap Sharma, Adv.

For the Respondent/s : Mr. M.K. Sinha, SC1

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

2 01-10-2015

Heard learned counsel for the parties.

Having regard to the fact that the petitioner has assailed an order of suspension passed by the Director, Primary Education and that the only ground for assailing such order of suspension of the petitioner is that he had not violated the order of transfer rather he was helpless in the circumstances because his successor had filed a writ application and the controlling authority had asked for guideline with regard to acceptance of joining of the petitioner are infact such aspects which could have been better explained by the petitioner by approaching the Director, Primary Education or filing an appeal in terms of 2005 Rules against the order of suspension. This Court in exercise of power under Article

226 of the Constitution of India cannot go into the merit of the order of suspension.

When such an observation has been made, learned counsel for the petitioner seeks permission to withdraw this application in order to enable the petitioner to move Principal Secretary of the Education Department by way of filing an appeal against the order of suspension.

This application is, accordingly, permitted to be withdrawn with the aforementioned liberty.

It, however, goes without saying that if the petitioner files an appeal, the same shall be disposed of expeditiously by the Principal Secretary.

(Mihir Kumar Jha, J)

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