

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.1073 of 2014

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Shyama Kumari Wife Of Sri Satya Narain Das Resident Of Village- Balour, P.S. Manigachhi, Distt.- Darbhanga, And At Present Posted As Assistant Teacher Kalisthan Primary School, Town And District- Darbhanga

.... Petitioner/s

Versus

1. The State Of Bihar through Principal Secretary, Primary, Secondary and Adult Education, Govt. Of Bihar, New Secretariat, Vikash Bhawan, Patna
2. The Principal Secretary, Primary Secondary and Adult Education, Govt. Of Bihar, New Secretariat, Vikash Bhawan, Patna
3. The Director, Primary Education, Govt. Of Bihar, New Secretariat, Patna
4. District Superintendent Of Education (Dse) Darbhanga Laheriasarai, Darbhanga
5. The Area Education Officer, Darbhanga
6. The District Magistrate, Darbhanga, Laheriasarai, Darbhanga

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Dharendra Narain Mallik

For the Respondent/s : Mr. Rana B.N.Singh, AC to GP 9

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 21-04-2015

Annexure- 8 is a complete answer to the direction given by the learned Single Judge with regard to the forum and jurisdiction of the Director to take a decision. If there was a relevant rule of 1994 in existence under which the disciplinary action was taken and the petitioner moved a wrong forum of appeal then obviously the writ application filed by the petitioner was a deliberate mischief only to bring about pressure upon the Director, who has rightly held that he had no jurisdiction to entertain or pass any order on the appeal of the petitioner.

These are tricks of the trade which have been utilized

basically to overcome the long delay against which a grievance is raised now because the order of punishment is of the year 2001, the writ was filed in the year 2009 and the rejection or the speaking order contained in Annexure- 8, therefore, does not require any interference. If Annexure- 8 is not interfered with the Court refuses to look into the illegality or otherwise of the punishment order contained in Annexure- 4, which is dated 8.6.2001.

Writ is dismissed.

(Ajay Kumar Tripathi, J)

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