

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1335 of 2012

IN

Civil Writ Jurisdiction Case No. 9478 of 2011

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Satish Kumar Choudhary, son of Sona Lal Choudhary, resident of Kagazi Mohalla,
Town Siwan, District – Siwan. Petitioner/Appellant.

Versus

1. The State of Bihar through the Principal Secretary, Human Resource Development Department, Government of Bihar, Patna.
2. The Secretary, Human Resources Development Department, Government of Bihar, Patna.
3. The District Magistrate, Gopalganj.
4. The Deputy Development Commissioner, Gopalganj.
5. The District Superintendent Of Education, Gopalganj.
6. The Block Development Officer, Hathua Block, Gopalganj.
7. The Block Education Extension Officer, Hathua Block, Gopalganj.
8. Poonam Choudhary, Ex-Block Education Extension Officer, Hathua, Gopalganj.
9. The Headmaster, Rajkiya Madhya Vidyalaya, Repura, Hathua, Gopalganj .
10. Kalawati Devi, Prakhand Pramukh, Hathua, Gopalganj.

.... Respondents/Respondents.

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Appearance :

For the Appellant : Mr. Binay Kant Mani Tripathi, Adv.

For the Respondents : None.

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CORAM: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH

And

HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE NAVANITI PRASAD SINGH)

Date: 25-03-2015

I.A. No.5668 of 2012 has been filed for condoning
the delay in filing the appeal.

Having heard learned counsel for the appellant, I.A.
No.5668 of 2012 is allowed and delay in filing the appeal is
condoned.

Petitioner/appellant was removed as a Prakhand
Teacher allegedly on the basis of his resignation letter. In the writ

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petition, he challenged the authenticity of the resignation letter alleging that it was mala fide created and he was forced to sign because of mala fide design. He further states that first the local authorities tried to discredit him by stating that he had used forged intermediate certificate and lodged the criminal case. That proved futile as petitioner had used genuine certificates. In retaliation this happened. Learned Single Judge has granted liberty to the appellant to file criminal case and his claim would be based thereon.

Learned counsel for the appellant submits that filing a criminal case and fighting the same would take years if not decades. He may be given liberty to move before any other governmental authority to make an independent enquiry in the matter so that his livelihood may be restored.

Having considered the matter, leave is granted to the appellant to move before the Deputy Development Commissioner (D.D.C.), Gopalganj after making a detailed representation in the matter. The D.D.C., Gopalganj would be authorized to look into the records, take statements of persons and then after hearing the Principal and the appellant take a decision in the matter. If he finds that the appellant was coerced into tendering his resignation which was not voluntary then such resignation in law would not

be binding and the appellant would be entitled to be reinstated. The complete exercise must be done by the D.D.C., Gopalganj within a period of three months from the date of filing of a copy of this order along with the representation. The responsibility of which would be solely upon the D.D.C., Gopalganj.

With these observations, this appeal stands disposed of.

(Navaniti Prasad Singh, J.)

(Jitendra Mohan Sharma, J.)

Trivedi/NAFR

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