

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.724 of 2015

In
Civil Writ Jurisdiction Case No. 3895 of 2014

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The State of Bihar through the Director, Primary Education, Govt. of Bihar,
Patna.

.... Petitioner/s

Versus

Lallu Paswan, son of Late Ram Surat Paswan, Resident of Village- Vaishali
at present posted as Block Education Officer, Chhatapur, Supaul

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Mithilesh Kumar Upadhyay--Advocate

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

02 08-01-2016

Petitioner of this petition/ respondent of CWJC No.

3895 of 2014 has prayed for extension of the period of three months whereunder they have been directed to conclude the departmental proceeding vide order dated 21.07.2014 with a further mandate “in that case, if the proceeding is not concluded within three months from the date of issue of show cause notice to the petitioner, it will be deemed that the respondents have decided not to proceed further and they shall be deprived the right of reopening the matter at any subsequent point of time”.

It has been submitted on behalf of petitioner that in the facts and circumstances of the case, the aforesaid rigour should be relaxed by way of granting another opportunity whereunder,

the learned counsel submits that departmental proceeding will be concluded.

In a way to comply the aforesaid mandate, Para-6 of the petition is relevant to refer, wherein it has been stated that on account of procedural delay in the offices, show cause to the writ petitioner has been issued on 16.10.2014 vide Memo No. 1199 and so, as per direction the departmental proceeding was to be concluded within 16.01.2015. The subsequent paragraph of the petition did not clarify the cause which put hindrance in having the departmental proceeding concluded within three months from the date of issuance of show cause at the other end, it has been incorporated under Para-8 of the petition that the persons who caused delay are being identified and will be prosecuted therefor, which is not the explanation whereupon time should be extended, as being exceptional in nature in the background of order. Furthermore, the authority should have vigilant in light of nature of order, who having failed, is shifting burden on other.

As such, instant petition is found de void of merit and is accordingly, rejected.

(Aditya Kumar Trivedi, J)

Lata/ Vikash/-

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