

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.9944 of 2013

Janardan Pandey S/O Late Ramayan Pandey R/O Village + P.O.- Kalyanpur, Police Station- Durgawati, District- Kaimur

.... Petitioner/s

Versus

1. The State Of Bihar
2. Director, Primary Education, Govt. Of Bihar, Patna
3. District Education Officer, Kaimur At Bhabhua
4. District Programme Officer (Establishment), Kaimur At Bhabhua
5. Head Master, Upgraded Middle School Siyapokhar, Anchal Mohania, District- Kaimur

.... Respondent/s

Appearance :

For the Petitioner/s : Mr. Jitendra Prasad Singh, Adv.

For the Respondent/s : Mr. A.K. Kesari, AAG-XI

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 21-07-2016

Heard learned counsel for the petitioner and counsel for the respondents.

In this case, the petitioner is seeking relief in the nature of mandamus for giving a direction to the respondents to promote the petitioner to the post of Headmaster.

The name of the petitioner stands in the panel to be promoted as a Headmaster but, on account of pendency of the departmental proceeding as well as criminal case, the petitioner has not been promoted.

Learned counsel for the petitioner has submitted that there is an allegation that certain books and paper were illegally sold by the petitioner in connivance with the then Headmaster of the school. On

that basis, a criminal case was instituted against the petitioner. The petitioner was put under suspension, suspension was withdrawn and again the petitioner was recommended for promotion but, in fact, the promotion was not given to the petitioner. It appears that the petitioner has been deprived on account of pendency of the criminal case as well as departmental proceeding.

In that view of the matter, the respondents are directed to conclude the departmental proceeding without unnecessary delay preferably within a period of three months from the date of receipt/production of a copy of this order.

Accordingly, let the respondent should conclude the departmental proceeding, as stated above, and, thereafter, consider the case of the petitioner for promotion within a period of three months thereafter.

With the aforementioned observation and direction, this application is disposed of.

(Shivaji Pandey, J)

Rishi/-

AFR/NAFR	NAFR
CAV DATE	NA
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