

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.371 of 2015

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Satyendra Kumar Pathak son of Late Sachchidanand Pathak Resident of Village-Karpi, Police Station-Karpi, District- Jehanabad at present working as Assistant Teacher, Middle School Kochahasa, Karpi, District - Arwal.

.... Petitioner/s

Versus

1. The State of Bihar through Pricipal Secretary, Education Department, Government of Bihar, Patna.
2. The Director Primary Education, Government of Bihar, Patna.
3. The Regional Deputy Director, Magadh Division, Educatiion Department, Gaya
4. The District Education Officer, Aewal.
5. The District Education Superintendent, Arwal.
6. The District Education Superintendent, Jehanabad.
7. The District Programme Officer, Education Department, Arwal .
8. The Block Education Extension Officer , Karpi, Arwal.
9. The Head Master, Middle School, Karpi, District- Arwal.

.... Respondent/s

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Appearance:

For the Petitioner/s : Mr. Sanjeev Nikesh

For the Respondent/s : Dr. A.K. Upadhyay, S.C.-2

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

5 25-10-2016 Heard Mr. Sanjeev Nikesh for the petitioner and Mr. Naresh Prasad, Assisting Counsel to SC-2.

The grievance of the petitioner reflecting from the writ petition is that although the suspension order was revoked by the District Superintendent of Education vide Memo No. 87 dated 09.3.2011 but insofar as payment of pay and allowances for the suspension order is concerned, it was made subject to the outcome of the departmental proceedings. A prayer was thus made for appropriate direction for payment of the pay and allowances.

A counter affidavit has been filed enclosing an office order bearing Memo No. 697 dated 01.10.2016 whereby the departmental proceedings having concluded, the petitioner has been visited with punishment of withholding of three annual increment with cumulative effect; warning to be careful in future and the pay and allowance have been restricted to the subsistence allowance drawn by him during the period.

In view of the position, the grievance raised has been rendered infructuous. The petitioner, if so advised, may question the order of penalty bearing Memo No. 697 dated 01.10.2016 passed by the District Programme Officer, Arwal by filing an appropriate application before appropriate forum.

The writ petition is disposed of accordingly.

(Jyoti Saran, J)

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