

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.196 of 2016

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Rajesh Kumar Son of Late Ram Bilash Prasad, Resident of Mohalla- Mirgulabi Bagh, Patnacity P.S.- Khajekalah, District- Patna, at present posted and working as Clerk in the office District Education Officer, Nalanda.

.... Petitioner

Versus

1. The State of Bihar.
2. The Principal Secretary, Department of Education, Government of Bihar, Vikash Bhawan, Patna.
3. The Director, Secondary Education, Department of Education, Government of Bihar, Vikash Bhawan, Patna.
4. The Regional Deputy Director of Education, Patna Division, Patna.
5. The District Education Officer, Nalanda.
6. The District Education Officer, Patna.
7. The District Programme Officer (Establishment), Nalanda.

.... Respondents

with

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Civil Writ Jurisdiction Case No. 197 of 2017

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Rajesh Kumar S/o late Ram Bilash Prasad Resident of Mohalla- Mirgulabi Bagh, Patnacity, P.S.- Khaje- Kalah, District- Patna at Present Clerk in the Office District Education officer, Nalanda dismissed from service.

.... Petitioner

Versus

1. The State of Bihar.
2. The Principal Secretary, Department of Education, Government of Bihar, Vikash Bhawan, Patna.
3. The Director, Secondary Education, Department of Education, Government of Bihar, Vikash Bhawan, Patna.
4. The Regional Deputy Director of Education, Patna Division, Patna.
5. The District Education Officer, Nalanda.
6. The District Education Officer, Patna.
7. The District Programme Officer(Establishment), Nalanda.

.... Respondents

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Appearance :

(In CWJC No.196 of 2016)

For the Petitioner/s : Mr. Bishnu Kant Dubey, Adv.

For the Respondent/s : Mr. Shankar Kumar Thakur, AC to GP-27

(In CWJC No.197 of 2017)

For the Petitioner/s : Mr. Bishnu Kant Dubey, Adv.

For the Respondent/s : Mr. Pawan Kumar, AC to GA-1

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 15-02-2017



Heard Mr. Bishnu Kant Dubey, learned counsel appearing for the petitioner and the learned counsel for the State in the two writ petitions.

While C.W.J.C.No. 196/2016 has been filed for initiation of the proceeding against the petitioner, inter alia, for seeking appointment on compassionate ground by allegedly committing fraud vide Annexure 7 and also for stoppage of salary in the meanwhile, the other writ petition bearing C.W.J.C.No. 197/2017 has been filed at the conclusion of the disciplinary proceeding which has ended in dismissal.

Although Mr. Bishnu Kant Dubey, learned counsel appearing for the petitioner, has questioned the entire proceedings, inter alia, on grounds of violation of the procedure provided under Rule 17 of the Bihar Government Servant (Classification, Control and Appeal) Rules, 2005 (hereinafter referred to as 'the Rules'), but in my opinion, the submissions are misconceived for the moment a charge is framed and served upon the petitioner, the decision of the department to proceed against the petitioner is reflected and which is manifest from Annexure 7 to C.W.J.C.No. 196/2016, whereby, charges have been served on the petitioner on his appointment being doubted on grounds of committing fraud in seeking appointment on compassionate ground even when allegedly his father was yet alive.



The objections thus raised by Mr. Bishnu Kant Dubey, learned counsel for the petitioner, to question the proceedings borders on hyper technicality, not warranting any indulgence.

The writ petitions lack merit and are accordingly dismissed.

(Jyoti Saran, J)

Surendra/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	17.02.2017
Transmission Date	NA

