

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Miscellaneous Jurisdiction Case No. 44 of 2016**

**Arising out of**

**Civil Writ Jurisdiction Case No. 3055 of 2014**

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Tuntun Mali Son of Late Shiv Kumar Mali, Resident of Village- Bagaura, P.O. Bagaura, Police Station- Daraunda, District- Siwan.

.... .... Petitioner/s

Versus

1. The State of Bihar through Mr. R. K. Mahajan, the Principal Secretary Education Department Government of Bihar, Patna.
2. Mr. R.B. Chaudhary, the Director, Primary Education, Education Department, Government of Bihar, Patna.
3. Mr. Devesh Sehro, the District Magistrate, Siwan.
4. Mr. Ramayan Ram, the Regional Deputy Director of Education, Saran Division, Chapra.
5. Mr. Mahesh Chandra Patel, the District Education Officer, Siwan.
6. Mr Bijali Ram, the District Programme Officer (Establishment), Siwan.
7. Mr. Ram Prasad Singh, the Headmaster, Lal Bahadur Shastri High School Bagaura, District- Siwan.

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Umesh Kumar Mishra, Advocate  
For the State : Mr. Ajay Kumar Rastogi, A.A.G. 10

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**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH**  
**ORAL JUDGMENT**

**Date: 22-03-2017**

Learned counsel for the petitioner and learned A.A.G.

10 for the State are present.

2. Pursuant to order dated 01.03.2017, the then Director (Secondary Education), Education Department, Government of Bihar, Patna is present and has filed show cause. The reason he was called was that in terms of the order of the Court dated 07.02.2014 passed in C.W.J.C. No. 3055 of 2014, he was required to pass an order on the representation of the petitioner within one



month from the date of production/receipt of a copy of the order. The order having been received on 24.04.2014, the disposal was only on 02.12.2015 i.e., after 19 months. The Officer concerned has explained that he joined on the post on 05<sup>th</sup> August, 2015 and for the first time the file was put up before him on 25.11.2015 and he has passed final order on 02.12.2015. The Court has also been informed that the officer has superannuated on 26.01.2016. On query of the Court as to what action he had taken against his office staff for not putting the file before him, the answer is that no such action was taken. Though the Court was of the opinion that the same would entail some action against the officer, but in view of him having tendered unconditional apology and also the fact that he has superannuated, the Court refrains from doing so.

3. Accordingly, on merits, the application stands disposed off.

4. However, let the present Director (Secondary Education) file a personal affidavit with regard to what systematic steps he had taken to ensure that his office does not sit over matters where there are Court orders and not only compliance is made but the time limit for such compliance is also adhered to. For such purpose, the matter be listed on 12<sup>th</sup> April, 2017, under the heading 'For Orders'.



5. The personal appearance of Mr. Kumar Binod Narayan Singh, the then Director (Secondary Education), Education Department, Government of Bihar, Patna stands dispensed with.

6. The petitioner shall be at liberty to challenge the order dated 02.12.2015 in accordance with law before the appropriate forum.

**(Ahsanuddin Amanullah, J.)**

Anand Kr.

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