

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3312 of 2017

Binod Kumar son of Late Sita Ram Prasad Yadav Resident of village :
Bherwa, Post : Nagwan, Police Station : Fatehpur, District : Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Patna, Bihar.
2. The Principal Secretary, Education Department, Patna, Bihar.
3. The Director, Administration, Education Department, Patna, Bihar.
4. The Director, Primary Education, Patna, Bihar.
5. The Director, Secondary Education, Patna, Bihar.
6. The Commissioner, Magadh Division, Gaya.
7. The Regional Development Officer, Magadh Division, Gaya.
8. The Regional Education Deputy Director, Magadh Division, Gaya.
9. The District Magistrate, Gaya.
10. The District Education Officer, Gaya.
11. The District Programme Officer (Establishment), Gaya.
12. The District Superintendent of Education, Gaya.
13. The Block Development Officer, Fatehpur, Dist : Gaya.
14. The Block Education Officer, Fatehpur, Dist : Gaya.
15. The Mukhiya, Nagwan Gram Panchayat, Fatehpur, District : Gaya.
16. The Panchayat Secretary, Nagwan Gram Panchayat, Fatehpur, Gaya.
17. Sarwan Yadav son of Sarju Yadav Resident of village : Bherwa, Post :
Nagwan, Police Station : Fatehpur, District : Gaya.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Kumar Dharendra Pratap Singh, Advocate
For the State : Mr. Arvind Kumar, AC to GP23

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 05-12-2017 Herd learned counsel for the petitioner and learned
counsel appearing on behalf of the State.

Counsel for the petitioner submits that despite conviction
of the respondent No. 7, the respondents-authorities are
extending undue favour and they have not taken any decision
with regard to initiating any departmental proceeding, which
they are required to undertake against a convict. He submits that



the petitioner has approached the concerned authorities by way of filing representation but the representation of the petitioner has not been considered by the respondents.

Counsel for the State submits that the writ petition as framed is not maintainable. If the respondent no. 7 has been convicted by a competent court, the respondents are required to take disciplinary action in terms of the service rules.

For taking disciplinary action against the respondent No. 7, a writ petition filed by the petitioner is not maintainable. However, liberty shall be available to the petitioner to approach the respondent No. 11, District Programme Officer (Establishment), Gaya and if it is found that the respondent No. 7 was convicted, he is required to take appropriate action in accordance with the rules.

With the aforesaid observations, the writ petition stands disposed of.

(Anil Kumar Upadhyay, J)

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