

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6131 of 2011

=====

Suresh Singh, Son of Sri Chandrama Singh, R/o vill-Pachrukhan, P.S.
Mashrak, Dist.-Saran at Chapra

.... Petitioner

Versus

1. The State of Bihar
2. The Principal Secretary, Human Resources Development Department,
Government of Bihar, Patna
3. The Director, Primary Education, Govt. of Bihar, Patna
4. The Special Director, Primary Education, Govt. of Bihar, Patna
5. The Regional Deputy Director of Education, Saran Division, Chapra
6. The District Superintendent of Education-cum-Enquiry Officer, Saran at
Chapra
7. The Sub Divisional Education Officer, Saran (south)-cum-Conducting
Officer, Saran at Chapra

.... Respondents

=====

Appearance :

For the Petitioner/s : Mr. Bindhyachal Singh

For the Respondent/s : Mr. Rajeev Kr. Singh Gp15

=====

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

6 01-11-2017 The petitioner, in the present writ application has
sought for following reliefs:-

1. For quashing the letter no. 1263 dated
06.12.2010 issued under the signature of
Regional Deputy Director of Education,
Saran Division, Chapra, whereby a show
cause notice has been issued to the
petitioner, who was appointed on the post
of Assistant Teacher, Government Basic
School, is found to be illegal during the
enquiry as he does not come within 150 of



the recommended panel and rather his name comes at SL. No.186 in the General category.

2. for quashing the part of the enquiry report dated 07.07.2010 submitted by the District Superintendent of Education, Saran at Chapra as Enquiry Officer, whereby a mechanical finding has been given with respect to SL. No.1 to 27 including the petitioner that their names are not mentioned in the recommended panel.
3. For holding that the whole departmental proceeding is vitiated including the enquiry report on account of violation of natural justice as the relevant documents specifically demanded by the petitioner and other procedure during the departmental proceeding as well as under “Right to Information Act”, but the same has not been supplied as yet and the enquiry report has been submitted in haste



and accordingly the second show cause notice has been issued without complying the mandatory procedure prescribed by law.

4. For directing the respondents to supply the documents specially demanded by the petitioner vide application dated 07.06.2010 under “Right to Information Act.” and application dated 15.06.2010 from the Enquiry Officer.
5. For restraining the respondents from proceeding with the departmental proceeding further without supplying the aforesaid necessary documents / information specifically demanded by the petitioner during the departmental proceeding.
6. For holding that the letter no.747 dated 11.12.1990 issued by the Human Resources Department, Govt. of Bihar under the signature of Special Director (Primary Education, Bihar) recommends /



approves not only Sl. No. 1 to 150 of the panel rather even beyond that in case of non-availability of suitable candidates and in no case the merits of the candidates should be ignored.

7. For holding that the panel has been prepared by the respondents in utter violation of natural justice without publishing a provisional panel and without inviting any objection from the candidates, final panel has been prepared, whereby and wherein several persons having lesser merit as per the criteria laid down were placed higher in the panel the petitioner has been placed at Sl. No.186 in the panel with regard of his merit points.

It has been submitted on behalf of the petitioner that the case of the petitioner is squarely covered by the orders passed in CWJC No.5345 of 2016.

The contention made on behalf of the petitioner has not been opposed by the learned counsel for the State.

Considering the submissions made on behalf of the



petitioner, the present writ application stands disposed of in light of the order passed in CWJC No.5345 of 2016 dated 22.05.2017.

The respondents shall grant the necessary benefit to the petitioner as per Clause-4.C(1) of the State Litigation Policy, within a period of three months from the date of production of copy of this order, if the case of the petitioner is found identical to that of CWJC No.5345 of 2016.

With the aforesaid directions and observations, the present writ application stands disposed of.

(Sudhir Singh, J)

Amit/-

U			
---	--	--	--

