

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 139 of 2016

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Brijmohan Ram, Son of Shri Munna Ram, Resident of Village + Post - Bagen,
Prakhand - Bramhapur, P.S. Bagen Gola, District - Buxar (Bihar).

.... Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Education Department, Bihar, Patna.
2. The Principal Secretary, Education Department, Government of Bihar, Patna.
3. The Director (Jan Siksha) Bihar, Patna.
4. The District Magistrate, Buxar.
5. The District Programme Officer, Buxar.
6. The District Karyakram Samanvayak, Buxar.
7. The District Education officer, Buxar.
8. The Block Education Officer, Bramhapur, Buxar.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sushil Kumar Ray, Advocate
For the State : Mr. Rakesh Kumar Shrivastava, A.C. to G.P. 15

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 11-12-2017

Learned counsel for the petitioner and State have
assisted the Court.

2. Despite the writ petition having been filed after
service of notice to learned counsel for the State on 22.12.2015, no
counter affidavit has been filed.

3. Learned counsel for the State submitted that the



counter affidavit has been prepared more than one and a half years back, however, the same has neither been served on learned counsel for the petitioner nor filed in Court.

4. From the pleadings, it appears that pursuant to the petitioner making complaint before the Hon'ble Chief Minister, the Director, respondent no. 3 had forwarded the same to the respondent no. 5 for disposal, in accordance with law, under Memo No. 1127 dated 22.06.2015.

5. Learned counsel for the petitioner submitted that the same remains undisposed, despite the petitioner reminding the respondent no. 5 by representation dated 10.11.2015.

6. Having regard to the aforesaid, taking note of the conduct of the authorities, of neither filing counter nor disposing the representation filed by the petitioner before the Hon'ble Chief Minister, which was forwarded to the respondent no. 5 for disposal, the Court deemed it appropriate to award cost.

7. At this stage, learned A.C. to G.P. 15 submitted that the counter affidavit has already been affirmed in April, 2016 but not filed in time because of lapses of his office and since it is the first time such lapse has occurred, he may be given one indulgence. Taking into account the same, the Court refrains from imposing cost.

8. The writ petition stands disposed off with a



direction to the respondent no. 5, to ensure that representation filed by the petitioner, which has been forwarded by the respondent no. 3, under aforesaid Memo No. 1127 dated 22.06.2015, is disposed off by passing a reasoned order, within two weeks from the date of production of a copy of this order before him.

(Ahsanuddin Amanullah, J.)

Anand Kr.

AFR/NAFR	
CAV DATE	

