

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.934 of 2016

IN

Civil Writ Jurisdiction Case No. 3574 of 2009

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1. Prem Lata @ Prem Lata Kumari, Wife of Sanjeet Kumar, Daughter of Jagdish Narayan @Jagdish Prasad, Resident of Village-Darahara, P.S. Silao, at Present Ben, District Nalanda.

.... Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Human Resources Department, Bihar, Patna-Mr. D. S. Gangbar.
3. The Director Primary Education, Bihar, Patna-Mr. M. Ramchandra.
4. The District Magistrate, Nalanda, Biharsharif, Dr. Tyag Rajan.
5. The District District Programme Officer (Est.) Nalanda at Biharsharif, Mr. Surendra Kumar.
6. The Block Education Officer, Ben, Nalanda, Mrs. Sushila Kumari.
7. The Block Development Officer, Ben, Nalanda, Mr Ramesh Kumar Singh.
8. Mukhiya Gram Panchayat Raj Maizara, under Ben Block, Nalanda Mrs. Kiran Devi.
9. The Panchayat Secretary, Gram Panchayat Raj, Maizara, Ben Block, Nalanda, Mr. Dinesh Trivedi.
10. The Present Mukhia, Gram Panchayat Raj Maizara, Shri Tuni Kumar, S/o Shri Kapil Thakur, Village-Maizara, Post-Madhar, P.S. + Block-Ben, Distt.-Nalanda.
11. The Panchayat Secretary, at present, Gram Panchayat Raj Maizara, Shri Shiv Kumar Prasad, resident of Village-Surhi Bigha, P.S. and Block-Ekangarsarai, District-Nalanda.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Prasad, Adv.
For the State : Mr. Asif Kalim, AC to AAG-12
For the O.P. 9 : Mr. Mahesh Pd. Singh, Adv.



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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL JUDGMENT

Date: 13-09-2017

The petitioner seeks to withdraw this application as, according to learned counsel for the petitioner, her grievance has been redressed.

2. Regard may be had to order, dated 30.08.2017, whereby, in view of non-implementation of this Court's order, the Court had directed the District Programme Officer (Establishment), Nalanda at Biharsharif, to put the persons responsible for non-implementation of the order, under suspension. In compliance of the said order, opposite party No. 9, who, at the relevant point of time, was posted as Panchayat Secretary, has also been put under suspension.

3. A plea has been taken on behalf of respondent No. 9 that though an affidavit was prepared to be filed before this Court, the same was not filed.

4. Learned counsel, appearing on behalf of the State, informs this Court that it is true that respondent No. 9 had come with an affidavit to be filed, but since learned counsel found *prima facie*, the Annexures, appended thereto, to be ante-dated, decided



not to file the said counter affidavit. He also submits that the said respondent No. 9 was informed in this regard and was asked to come with correct set of facts for the purpose of filing affidavit, which he did not do.

5. I am not commenting on the conduct of respondent No. 9 for the present, since it is subject to any disciplinary action, which can be taken by the competent authority.

6. Let respondent No. 9 file a representation, stating all these facts before the District Magistrate, Nalanda at Biharsharif, whereafter, it will be open to the District Magistrate either to initiate departmental enquiry against respondent No. 9 or to revoke the order of suspension, on the basis of materials available before him, without being prejudiced by any observation made by this Court in the present proceeding.

7. The Court has been informed that the petitioner has been appointed with the issuance of appointment letter on 31.08.2017, subject to certain conditions mentioned therein. The said conditions, mentioned in the appointment letter, shall govern the appointment of the petitioner and if her appointment is found to be illegal, the same shall be liable to be terminated, in view of clear terms indicated in the appointment letter itself.

8. This application stands disposed of with the



observation as above.

9. It is indicated that the Court is, *prima facie*, satisfied about the *bona fide* of learned counsel appearing on behalf of the State and no action of any nature shall be considered against him without leave of this Court.

10. The other persons, who have been put under suspension, in the light of the order of this Court, shall also be at liberty to make representation before the District Magistrate, Nalanda at Biharsharif, for revocation of the order of suspension.

11. This application stands disposed of.

(Chakradhari Sharan Singh, J)

Praveen-II/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	2209.2017
Transmission Date	N/A

