

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4213 of 2014

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Prayag Prasad Son Of Late Thag Prasad Resident Of Village - Bharbalia, P.O.
Bastha, P.S. Mainatar, District - West Champaran Petitioner/s
Versus

1. The State Of Bihar
 2. The Director, Secondary Education, Govt. Of Bihar, Budh Marg, Patna
 3. The Regional Deputy Director Of Education, Trihut Division, Muzaffarpur
 4. The District Education Officer, West Champaran
 5. The Headmaster, Rajya Samposhit High School, Mainatar, P.O. + P.S.
Mainatar, District - West Champaran Respondent/s
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Appearance :

For the Petitioner/s : Mr. Bipin Bihari Singh, Advocate
For the Respondent/s : Mr. Arvind Kumar Sinha, AC to SC-14.

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

6 30-07-2018 Heard learned counsel for the petitioner and the
counsel appearing on behalf of the State.

Learned counsel for the petitioner submits that in the
instant case the order was passed by the Director, Secondary
Education who is the Appellate Authority.

He submits that in view of the above, the order passed
by the Director, Secondary Education cannot sustain as valuable
right of the petitioner cannot be frustrated by taking decision in
the instant case by the Appellate Authority namely, Director,
Secondary Education.

He next contended in the instant case that petitioner
has joined the service on 1.11.2004 and he has been punished
for the alleged lapses which was not relatable to the petitioner as
prior to date of his posting as in-charge Headmaster in the



school. He submits that second show cause reply was not considered at all by the disciplinary authority while passing the order.

In view of the above, the order contained in Annexure-5 dated 31.1.2014 cannot sustain and it is accordingly quashed. The respondents are directed to examine the claim of the petitioner afresh and take final decision within a period of four months and in the event it is found that liability pertains to the period earlier to the joining of the petitioner as In-charge Headmaster, the respondents are directed to release the amount within a period of one month from the date of such decision.

With the aforesaid, the writ petition stands disposed of.

(Anil Kumar Upadhyay, J)

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