

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5255 of 2016

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Dhanraj Choudhary, S/o Late Parmeshwar Choudhary, Resident of Village-
Suturkhana (Salempur) P.O. Bank P.S.- Muffasi, District- Munger.

.... Petitioner/s

Versus

1. The State of Bihar.
 2. The District Magistrate (D.M.), Munger.
 3. The District Education Officer (D.E.O.) Munger cum the District Program Coordinator, Bihar Education Project, Munger.
 4. The Block Education Extension Officer (B.E.O.) Town Munger.
 5. The Headmaster, Prathmik Vidyalaya, Mukhbina, Chay Tola, Munger.
 6. The State Project Director, Bihar Education Project Council, Shiksha Bhawan, Saidpur, Bihar, Patna.
- Respondent/s
- =====

Appearance :

For the Petitioner/s : Mr. Raj Kumar Choudhary, Advocate

For the Respondent/s : Mr. Arvind Ujjwal, SC-25

For Respondent BEPC : Mr. Girijesh Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

Date: 17-04-2018

Heard learned counsel for the petitioner and the
respondents.

2. The petitioner is aggrieved by the order dated
05.06.2010, as contained in Annexure-7.

3. From perusal of Annexure-7, it appears that the
order was passed at the dictate of the District Superintendent of
Education-cum-District Programme Officer (Co-ordinator), Bihar
Education Project, Munger.

4. Mr. Choudhary, learned counsel for the petitioner
submits that the order was passed at the dictate of the superior
authority is unsustainable, in view of the law laid down by the Apex



Court in the case of **Purtabpore Co. Ltd vs Cane Commissioner of Bihar & Ors**, reported in **AIR 1970 SC 1896** where in the similar facts and circumstances, the order passed by the Cane Commissioner was held to be under the dictate by the Chief Minister and the order was interfered by the Apex Court. In the instant case, when the order was passed at the dictate of the District Superintendent of Education-cum-District Programme Officer (Co-ordinator), Bihar Education Project, Munger as is evident from Annexure-7, the order contained in Annexure-7 cannot sustain in view of the law laid down as mentioned above. The order as contained in Annexure-7 is hereby quashed.

5. The quashing of Annexure-7 will not preclude the respondents from passing fresh order in accordance with law.

6. In the meanwhile, the respondents are under obligation to pay the unpaid honorarium to the petitioner within a maximum period of 60 days from the date of receipt/production of a copy of this order.

7. The writ application is allowed to the extent mentioned above.

(Anil Kumar Upadhyay, J)

Uday/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	23.04.2018
Transmission Date	

