

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 21992 of 2011

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Ram Jatan Prasad Sinha Son of Late Choudhary Ram, Resident of Village + P.O. Sadipur, P.S. Sadipur, Via-Pirpanty, District-Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Commissioner-cum-Principal Secretary, Human Resource Development Department, Government of Bihar, Patna.
3. The Accountant General, Government of Bihar, Patna.
4. The Joint Secretary, Human Resources Development Department, Government of Bihar, Patna.
5. The Director, Secondary Education, Government of Bihar, Patna.
6. The Deputy Director, Secondary Education, Government of Bihar, Patna.
7. The Regional Deputy Director of Education, Bhagalpur Division, Bhagalpur.
8. The District Education Officer, Bhagalpur.
9. The Sub-Divisional Education Officer, Bhagalpur.

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Rajendra Prasad Singh, Sr. Advocate Mr. Onkar Kumar, Advocate, Advocate
For the State	:	Mr. Ajay, G.A. 5
For the Accountant General	:	Mr. Raghwanand, Advocate

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 04-07-2018

Heard learned counsel for the petitioner; State;
Accountant General and District Education Officer, Banka.

2. Though the matter was taken up and heard at length yesterday, but on prayer made by the respondent no. 5, seeking a day's adjournment, the matter was directed to be listed today. The respondent no. 5 is present. It has been submitted by learned counsel for the State that the Director (Administration) –cum-Additional Secretary, Education Department, Government of Bihar has issued



Letter No. 460 dated 03.07.2018, enclosing the Memo of Charge upon the District Education Officer, Banka for his lapses with regard to not sending instructions in the present writ petition and for disobedience of the order of Senior Officers.

3. In view of the aforesaid, the Court finds that the respondent no. 5 and the Department have taken appropriate steps in the matter. Accordingly, the Court does not propose to proceed against respondent no. 5 in the present matter.

4. Coming to the merits of the matter, the Court finds that the affidavit in the writ petition is thoroughly incomplete as there has been non compliance of the requirement of law as none of the statements made in the entire writ petition having been verified, the writ petition itself is not maintainable. This being the position, the petition being no petition in eyes of law does not warrant any action on the part of the Court and, thus, being incompetent to be acted upon or to be proceeded with, the same stands disposed off.

5. At this juncture, learned counsel for the petitioner submitted that he may be permitted to file a fresh writ application in the matter.

6. As the Court has held that there is no petition eyes of law, it goes without saying that it shall be open for the petitioner to file any application before any forum in the matter.



7. Coming to the role of the District Education Officer, Banka, who is also present in Court, though the Court finds that appropriate action was required to be taken against him but in view of action being taken by the Department and the unconditional and unqualified apology tendered by him, the Court does not propose to proceed against him any further in the matter.

8. Accordingly, the issue stands consigned.

(Ahsanuddin Amanullah, J.)

P. Kumar

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