

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6761 of 2014

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Birchandra Singh Son Of Deonandan Singh, Resident Of Village Matiya,
Police Station Baruraj, District Muzaffarpur, Retired Headmaster, Middle
School Birhima, Circle Motipur, District- Muzaffarpur..... .. Petitioner/s

Versus

1. The State Of Bihar Through The Principal Secretary, Human Resources Development Department, Government Of Bihar, New Secretariat Building, Bailey Road, Patna- 800001
 2. The Principal Secretary, Human Resources Development Department, Government Of Bihar, New Secretariat Building, Bailey Road, Patna- 800001
 3. The District Superintendent Of Education, Muzaffarpur
 4. The Then District Superintendent Of Education, Muzaffarpur
 5. The Block Education Extension Officer, Rinapur, District Muzaffarpur
 6. The Regional Education Officer, Sarisiyan, Saraiya-Cum-Enquiry Officer, District Muzaffarpur
 7. Arun Kumar Kunwar, The Then District Superintendent Of Education, Muzaffarpur Null At Presently Posted As District Superintendent Of Education, Munger..... .. Respondent/s
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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Verma
For the Respondent/s : AC to SC -9

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

4 07-12-2018 Heard learned counsel for the parties.

Petitioner is aggrieved by the notice issued by the respondents whereby the petitioner was asked explanation with regard to 46 bags rice in his possession which was rotten due to the alleged lapse of the petitioner.

Learned counsel appearing on behalf of the petitioner submits that there was no proceeding pending against the petitioner as such notice dated 25.2.2014 issued against the petitioner is without jurisdiction. Referring to the counter affidavit filed by the respondent No.3, he submits that explanation was filed on 04.04.2014 within fixed time but the



same is still pending. There is no proceeding pending against the petitioner and the relationship of master and servant come to an end. The action of the respondent according to the petitioner is only to harass the petitioner.

Considering the totality of the facts situation the writ petition is disposed of with a direction to the respondent to take appropriate decision on consideration of the reply to the show-cause notice submitted by the petitioner contained in Annexure-11 and after decision if any taken by the respondents, the liberty shall be available to the petitioner to challenge the same in appropriate proceeding. The court is of the view that at the stage of notice, filing this writ petition is premature. However, it is make clear that while taking decision, respondents have to consider the earlier order passed by this Court and the fact that once the relationship of master and servant comes to an end respondents have limited jurisdiction in the matter of superannuated employee and also the fact that petitioner cannot be subjected to ordeal of endless proceeding on account of lapse of the respondents i.e. indecisiveness.

With the aforesaid the writ petition stands disposed of.

T.Kr./-

(Anil Kumar Upadhyay, J)

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