

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9212 of 2015

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Md. Sultan S/o Laten Md. Ali Hasan , working as Panchayat Secretary, Gram panchayat, Korai and Gram Panchayat Malipur, P.S.- Garhpura(Begusarai), R/o village- Sanha, Ahmed Ganj, P.S.- Sahebpur, Kamal , District- Begusarai.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The District Appellate Authority, Begusarai, through its member.
3. The Block Education Officer, Garhpura.
4. The Block Development Officer, Garhpura,
5. Shreya Priyadarshini D/o Chandra Kumar Rai R/o Village- Musepur, P.O.+ Panchayat- Malipur, Block - Garhpur, District- Begusarai.
6. Nisha Kumari W/o Rajiv Kumar Rai, Resident of village- Musepur, P.O. Malipur, Block + P.S.- Garhpura, District- Begusarai.
7. Rubi Kumari W/o Anil Kumar Village- Kanausi, P.O.- Dunahi, P.S.+ Block- Garhpura, District- Begusarai.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Amaresh Kumar Singh
For the Respondent/s : Mr. Ga13- Smt. N. Mishra

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 05-12-2018 Heard learned counsel for the parties.

The grievance of the petitioner in the in instant writ petition is that at the relevant time he was not the Panchayat Secretary and the cost of Rs.75,000/- was imposed by the Block Development Officer, Garhpura in the light of the order of District Teachers Employment Appellate Authority, Begusarai. It is admitted that the order of the Tribunal was implemented in its letter spirit.

Considering the explanation furnished by this petitioner in the instant writ petition, the Court is of the view



that no useful purpose could be served in maintaining that part of the order imposing fine and consequential order of B.DO. Since the order of the District Teachers Employment Appellate Authority, Begusarai has been implemented and the cost was awarded only because of non-implementation. The Court is of the view that the order dated 2.6.2015 of the appellate Authority needs to be modified to the extent that cost of Rs.25,000/- imposed against the Panchayat Secretary vide order dated 02.06.2015 stands modified except the cost awarded by the tribunal the remaining part of the order of the tribunal dated 2.6.2015 stands approved. Consequently the order of B.D.O. dated 8.6.2015 stands quashed.

With aforesaid modification in the order dated 8.6.2015 and quashing of order dated 8.6.2015 (Annexure-5) the writ petition stands allowed and disposed of.

(Anil Kumar Upadhyay, J)

T.Kr./-

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