

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 4218 of 2017

=====

Suresh Mandal Son of late Laxmi Mandal, Retired Science Teacher, Middle School, Kachi Kachhari, Kachhari Tola, Kutlupur, Munger at Present Village-Samjhauti, P.O. Goriyami, District- Munger, at Present District- Khagariya.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Collector, Khagariya.
3. Principal Secretary, Education, Patna, Bihar.
4. Director Primary Education, Patna, Bihar.
5. Joint Secretary-cum-Director, Provident Fund, Patna, Bihar.
6. Accountant Officer, Provident Fund Collectorate, Khagariya.
7. District Education Officer (D.E.O.), Khagariya.
8. D.P.O. Khagariya, District Programme Officer, Khagariya.
9. Head Master, Middle School, Kachhari Tola, Kutlupur, Munger, District-Khagariya.

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr.

For the Respondent/s : Mr.

=====

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 11-05-2018

Heard learned counsel for the petitioner and the State.

2. Pursuant to order dated 01.05.2018, the respondents no. 7 and 8 are present and have filed show cause. Counter affidavit has also been filed on their behalf.

3. With regard to the reason why they were directed by the Court to appear, as has been recorded in the order dated 01.05.2018, which is, that despite learned counsel for the State having communicated the order of the Court dated 16.04.2018, for filing counter affidavit, they had not responded to the same, the stand



taken in the show cause is that the said order was communicated to them by the District Magistrate, Khagaria only on 04.05.2018, and after that they have promptly responded. They have further tendered their apology. In view thereof, the Court accepts the apology and the issue stands consigned.

4. In the counter affidavit, the stand taken is that the entire issue relates to the District of Munger and for no apparent reason, the authorities of the District of Khagaria have been made party. From the pleadings, and even the representations filed by the petitioner himself, it is apparent that such contention is correct and that the officials of Khagaria district have nothing to do in the matter as it relates to the district of Munger. The Court records its deep displeasure at the conduct of the petitioner in filing the petition in such a casual manner without any application of mind or seriousness. Further, even on 16.04.2018, there was error in the description of the office of the respondent no. 8, which was permitted to be corrected. Thus, at every stage, there have been laches on the part of the petitioner and only when the authorities have pointed out the fact, learned counsel for the petitioner has also accepted the position.

5. Thus, for such casual approach resulting in total wastage of the Court's time on many occasions, and the officers, who were unconcerned with the issue had to appear, the Court was of



the opinion that the writ petition be dismissed with cost. However, taking a lenient view, though while dismissing the writ petition, the Court does not propose to impose cost.

6. Accordingly, the writ petition stands dismissed.

7. However, the petitioner shall be at liberty to file a fresh petition, if so desired, ensuring that such blunders are not committed in future.

8. The personal appearance of the officers stands dispensed with.

(Ahsanuddin Amanullah, J.)

P. Kumar

AFR/NAFR	
U	

