

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No. 3815 of 2016

Arising out of

Civil Writ Jurisdiction Case No. 17998 of 2014

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Ranjeet Kumar Choudhary, Son of Dhappu Chaudhary, resident of Village-
Rasalpur, P.O.- Bahadurpur, District- Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar through its Principal Secretary, Education Department, Vikash Bhawan, Government of Bihar, Patna namely Mr. D. S. Gangwar.
2. Mr. D. S. Gangwar, the Principal Secretary, Education Department, Vikash Bhawan, Government of Bihar, Patna.
3. Mr. Sanjeevan Kumar Sinha, the Joint Secretary, Education Department, Vikash Bhawan, Government of Bihar, Patna.
4. Mr. Ram Chandra Tuddu, the Director, Primary Education, Government of Bihar, Patna.
5. Mr. Brajesh Kumar Ojha, the District Education Officer, Samastipur.
6. Smt. Kumari Mala, the Block Education Extension Officer, Vidyapati Nagar, District- Samastipur.
7. Mr. Murari Prasad Singh, the Head Master, Upgraded Middle School, Kancha Purbi Tola, Vidyapati Nagar, District- Samastipur.
8. Mr. Ram Chandra Mandal, the District Programme Officer (Establishment), District- Samastipur.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the State : Mr. Rakesh Narayan Singh, AC to AAG 15

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**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH**

ORAL JUDGMENT

Date : 23-08-2019

Nobody appears on behalf of the petitioner. Learned AC
to AAG 15 for the State has assisted the Court.



2. The petitioner has moved the Court alleging non compliance of the order dated 02.03.2016 passed in CWJC No. 17998 of 2014.

3. The position even today is that the order has not been complied with. Initially, in the show cause filed by the then District Programme Officer (Establishment), Samastipur on 06.10.2017, a statement was made that the order of the writ court had been challenged in LPA No. 1355 of 2016. The stand was that as the order in the present case was based on the order passed in CWJC No. 6740 of 2013, which was under challenge before the appellate Court, the authorities were waiting for the decision of the Court. On the last occasion, it had transpired that LPA No. 1355 of 2016, had stood dismissed on 01.05.2017 and, thus, in the affidavit, a statement being made on 06.10.2017 that the LPA was pending being totally false, the Court had directed the deponent of the show cause to be present today.

4. In the show cause filed today by Mr. Ram Chandra Mandal, the then District Programme Officer (Establishment), Samastipur, who is presently the District Education Officer, Sitamarhi, the explanation given is not worthy of being accepted for the reason that it states that from the website, he could access the order dated 03.04.2017 in LPA No. 1355 of 2016, which



indicates that the matter was still pending. The Court outrightly rejects such explanation. A six month old order without, verifying the up-to-date status, cannot be a ground to make a statement before the Court on oath of a fact which was not verified on the day of filing of the affidavit. This shows either lack of knowledge or sheer casualness. Both ways, it reflects poorly on the conduct of Mr. Ram Chandra Mandal, for filing a show cause in the present proceeding stating a completely false fact which was a relevant aspect in deciding the issue before the Court.

5. Though, the Court finds that there has been serious lapses on the part of Mr. Ram Chandra Mandal, but in view of the unconditional and unqualified apology tendered by him, the Court grants him indulgence and is not proceeding against him for such conduct. However, he is cautioned to be careful in future not to repeat such mistake.

6. Coming to the merits of the matter, from the show cause filed by Mr. Sanjay Kumar Choudhary, the District Programme Officer (Establishment), Samastipur dated 17.09.2018, it appears that the case of the petitioner was considered and having been found to be based on qualifications which were not recognized by the State of Bihar, the claim of the petitioner has been rejected.



7. Having regard to the aforesaid, the Court finds that there is no violation of the order of the writ Court.

8. Accordingly, the application stands disposed off.

(Ahsanuddin Amanullah, J.)

P. Kumar

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