

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13627 of 2014

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Neelam Sinha W/o Jai Shankar Singh Resident of village- Gokula, P.S.-
Paroo, District- Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Principal Secretary, Education Department, Govt. of Bihar, Patna.
3. The Director, Primary Education, Bihar, Patna.
4. The District Education Officer, Muzaffarpur.
5. The District Programme Officer Establishment, Muzaffarpur.
6. Indira Kumari W/o Vijay Kumar Sharma R/o Vill. P.O.- Kamalpur, P.S.
Paroo, District- Muzaffarpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Pramod Kumar, Advocate
For the Respondent/s : Mr. Shiv Kumar, AC to GA-3

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

5 14-08-2019 Heard learned counsel for the petitioner and the
counsel appearing on behalf of the State.

Petitioner has filed the present writ application
challenging the order dated 19.07.2014 contained in Annexure-
6.

Learned counsel appearing on behalf of petitioner
submits that as per the direction of the respondent payment was
made by the petitioner, yet petitioner was asked to submit show
cause, petitioner submitted show cause indicating therein that
payment has already been made in compliance of direction. Yet,
the respondents prepared Prapatra-Ka in 2015 which was



challenged in the present writ application.

Learned counsel for the petitioner submits that for the last four years the matter is pending at the level of the Director, Primary Education but no action was taken in connection with the departmental proceeding on the basis of Prapatra-Ka.

Learned counsel appearing on behalf of respondents admits that the payment was made by the petitioner in terms of the direction issued by the concerned officer and thereafter, no action was taken at the level of the District Programme Officer against this petitioner. The matter is pending at the level of the Director, Primary Education.

Learned counsel for the petitioner submits that petitioner has two fold submission, firstly, that the charges are contrary to record and as such non-est in the eye of law inasmuch as petitioner has already paid and complied with the direction of superior which is admitted in the counter affidavit also. The next submission of Mr. Pramod Kumar, learned counsel for the petitioners is that the petitioner belongs to Basic School and in relation to Basic School, the District Programme Officer has absolutely no jurisdiction.

Considering the aforesaid submission and the facts that Prapatra-Ka was prepared in 2015 but till date no action



was initiated against the petitioner, the writ application is disposed of with a direction to the respondent Director, Primary Education to take final decision in relation to Prapatra-Ka at the earliest preferably within a fortnight from today, failing which it shall be deemed that the Director has decided not to proceed any further with relation to Prapatra-Ka and the petitioner shall be treated to have been completely exonerated of the charge incorporated in Prapatra-Ka.

With the aforesaid, the present writ application stands disposed of.

(Anil Kumar Upadhyay, J)

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