

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18228 of 2019

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Md. Ajim S/o Md. Yusuf, Resident of Ward No.-13, Farbisganj, P.S.-
Farbisganj, District- Araria, Presently Posted as Middle School Chaura,
Bhankohalia, Farbisganj, Araria.

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Department of Human Resources Development, Bihar, Patna.
2. The Principal Secretary, Education Department, Bihar, Patna.
3. The Director Primary Education, Bihar, Patna.
4. The Regional Deputy Director of Education, Purnea.
5. The District Magistrate, Araria.
6. The District Education Officer, Araria.
7. The District Programme Officer (Establishment), Araria.
8. The Block Development Officer-Cum-Secretary, Block Teachers Employment Unit, Farbisganj, District- Araria.
9. The Block Education Officer, Farbisganj, District- Araria.

... .. Respondents

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Appearance :

For the Petitioner : Mr. Praveen Kumar, Adv.
For the Respondents : Mr. Subash Chandra Mishra SC16

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 22-06-2020 The matter has been listed today for consideration
through Video Conferencing.

Learned counsel representing the petitioner and the State
are appearing and making submissions from their residence. The
Court Master and Secretary are also part of this virtual court
proceedings from their homes, all with the aid of audio visual



technology.

By way of an adjustment, to streamline the teacher/pupil ratio in view of the letter No. 1123 dated 07.10.2016 issued by the Secretary, Education Department, the petitioner has been sent to Middle school Amauna from Middle school Chaura.

The petitioner's counsel submits that adjustment of the petitioner by office order dated 20.04.2017 issued by the Block Development Officer-cum-Secretary Block Teachers Employment Unit, Farbisganj, was subsequently stayed by order of the District Programme Officer (Establishment) Araria under letter dated 07.02.2018.

It is the petitioner's case that despite the stay of order of adjustment/transfer, the Block Education Officer has insisted on its compliance. In fact, the petitioner was placed under suspension on 01.06.2018. The Block Education Officer, Farbisganj, has subsequently asked the petitioner vide communication dated 19.07.2018 to show cause as to why he did not submit joining. The suspension order was in contemplation of proceedings for the petitioner's disobedience of the order of adjustment/transfer dated 20.04.2017.

The learned State Counsel has also appeared through video conferencing. It is pointed out that in the aforesaid facts



and circumstances, the petitioner had approached this Court in CWJC No. 15129 of 2019 assailing the order of suspension dated 01.06.2018. In the said proceedings vide order dated 29.07.2019 (Annexure-13), the Court refused to interfere in the matter and directed the respondents to complete the departmental proceedings within a period of six months from the date of the order.

The order of suspension and the departmental proceedings were to come to an end entitling the petitioner to reinstatement with all consequential benefits in case proceedings were not completed within six months from the date of the order i. e. 29.07.2019. The time limit fixed by this Court was to lapse in January, 2020. The instant writ petition, however, has been filed without even waiting for the time limit of six months fixed in CWJC No. 15129 of 2019 to be completed, and just after more than a month. By the instant writ proceedings, the petitioner has sought quashing of the order contained in Memo no. 41 dated 20.04.2017, for disobedience of which the petitioner has been placed under suspension by order dated 01.06.2018. The suspension of the petitioner and proposed proceedings were in respect of order dated 20.04.2017, which is sought to be impugned in the instant writ



proceedings without even waiting for the respondents to take steps pursuant to the earlier order dated 29.07.2017 passed in C.W.J.C. No. 15129 of 2019.

Today, when the matter is taken up petitioner's counsel has appeared through video conferencing. The Court put a specific query whether the proceedings for violation of the order of adjustment dated 20.04.2017 had been initiated and concluded, the counsel has no answer to offer. It is only submitted that the Authorities may be directed to file their counter affidavit. If the proceedings instituted pursuant to the suspension of the petitioner dated 01.06.2018 did not come to an end within the time limit fixed under order dated 29.07.2019 passed in C.W.J.C. No. 15129 of 2019, then no orders are required to be passed in the instant proceedings, as the consequences of such failure to conclude the proceedings are specified in the order of the Court dated 29.07.2017 in the earlier writ proceedings.

If on the other hand the proceedings have concluded, then also the petitioner would be under an obligation to comply with the order passed, or to assail the same in an appropriate proceedings.

Without effecting the petitioner's right/s, taken note of



hereinabove, the writ petition is dismissed.

(Madhuresh Prasad, J)

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