

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.32 of 2018

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Dhirendra Kumar son of Ashok Kumar, Resident of Mohalla- Baignabad,
Biharsharif, Police Station- Biharsharif, District- Nalanda.

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The Director, Primary Education, Department of Education, Bihar, Patna.
3. The District Magistrate, Nalanda at Biharsharif.
4. The District Education Officer, Nalanda at Biharsharif.
5. The District Programme Officer Establishment Nalanda, District- Nalanda at Biharsharif.
6. The Block Education Officer, Harnaut, District- Nalanda.
7. The Block Education Officer, Katrisarai-cum-Enquiry Officer, District- Nalanda.
8. The Headmaster, Primary School, Baruntar, Block- Harnaut, District- Nalanda at Biharsharif.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Siyaram Sahi, Advocate Mr. Indu Bhushan, Advocate
For the Respondent/s	:	Smt. Binita Singh -Sc28

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL JUDGMENT

Date : 23-11-2021

Heard Mr. Siyaram Sahi, learned Advocate for the

petitioner and Ms. Binita Singh, learned SC-28 for the

State.

The petitioner has challenged the order of

dismissal dated 17.08.2015 contained in Annexure-17 to

the writ petition.



The petitioner had earlier approached this Court for payment of his salary but the Bench hearing the application found that the petitioner had been dismissed in the meanwhile. The petitioner was given an opportunity to assail the order of dismissal.

Mr. Sahi, learned Advocate for the petitioner has drawn the attention of this Court to various lapses in conducting the departmental proceeding in his absence.

Nonetheless, I am not inclined to enter into the aforesaid arguments as the petitioner has not exhausted his alternative remedy of preferring an appeal against the order.

True it is that the order impugned was passed on 17.08.2015, but considering the fact that the petitioner ostensibly did not have any idea of such order of dismissal, which he learnt only when he preferred an application before this Court for payment of salary and claims to have obtained all the documents under the mechanism of RTI, should he prefer an appeal at this belated stage with an



appropriate application for condonation of delay, the concerned authority shall take into account that the matter remained pending before this Court since 2018 and shall pass necessary orders in accordance with law.

Needless to state that all the grounds raised by the petitioner in the present writ petition shall be considered by the appellate authority.

With the aforesaid direction/observation, the writ petition is disposed of.

(Ashutosh Kumar, J)

krishna/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	25.11.2021
Transmission Date	

