

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4364 of 2021

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Meena Kumari Wife of Mithlesh Kumar Resident of Parthu, near Ekangarsarai, P.O. - Parthu Ekangarsarai, District Nalanda, at present Posted as Child Development Project Officer, Navanagar, Buxar.

... .. Petitioner/s

Versus

1. The State of Bihar through its Principal Secretary, Social Welfare, Government of Bihar, Patna.
2. The Director, Social Welfare, Bihar, Patna.
3. The Additional Director, ICDS Directorate, Bihar, Patna.
4. The District Programme Officer, Patna.
5. The District Programme Officer, Buxar.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Dudh Nath Singh
For the Respondent/s : Mr.Lalit Kishore (Ag)

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
ORAL ORDER

2 31-01-2022 The matter is heard via video conferencing due to circumstances prevailing on account of COVID-19 pandemic.

In the instant petition, in the absence of notice to the official respondents, counter affidavit has been filed.

This Court came across in number of cases wherein in absence of notice to the official respondents, the official respondents are filing counter statement, but it is not forthcoming as to how the department official respondent came to know of filing of such petition unless and until notice is ordered by this Court.

On the other hand in some of the matters where



specific direction has been given for filing counter statement and the official respondents have failed to file within time limit. These things reveal that there must be some collusion between the parties and the officials respondents. At this juncture, learned counsel for the petitioner seeks permission to withdraw this petition.

Accordingly, petition stands dismissed with liberty to file fresh petition, since there are certain errors in the prayer.

In the instant petition, petitioner has prayed for following relief :

(i) For issuance of direction/ directions or order / orders or writ/ writs particularly in the nature of certiorari for quashing the order dated 24.05.2013 contained in Memo No.2532 issued under the signature of Director, Government of Bihar, I.C.D.S., Directorate, Bihar (Social Welfare Department) by which revoked the suspension of the petitioner from the date of issuance of letter after holding that punishment will be imposed after conclusion/ decision of the Court in the light of an FIR against an employee of Child Development Project Office, Punpun, Patna despite of Charges not proved against the petitioner in departmental proceeding as well as not made accused either in FIR or in the learned Court concerned.

(ii) For issuance of direction or order or writ of mandamus of commanding and directing the respondent authority to make payment of salary of the petitioner for the period of suspension on account of petitioner is neither found guilty to departmental proceeding nor against her FIR is lodged or



cognizance has been taken against her by the concerned trial Court.

(iii) For any other incidental and consequential relief to which the petitioners found fit under the facts and circumstances of this case.”

This order shall be communicated to the Chief Secretary-cum-State of Bihar to take appropriate action against such of those officials who file counter statement in the absence of notice / direction of this Court.

(P. B. Bajanthri, J)

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