

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9302 of 2021

Menka Kumari Wife of Manoj Kumar Singh Resident of Village- Kapasiya,
P.O. and P.S.- Rajpur, District- Rohtas.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Education, Government of Bihar, Patna.
2. The Principal Secretary, Department of Education, Government of Bihar, Patna.
3. The Director, Primary Education, Government of Bihar, Patna.
4. The District Education Officer, Rohtas, District- Rohtas.
5. The District Programme (Establishment) Officer, Rohtas, District- Rohtas.
6. The Block Development Officer, Akodhi Gola, Rohtas, District- Rohtas.
7. The Block Education Officer, Akhodhi Gola, District- Rohtas.
8. The Lokayukta, Bihar through its Secretary, Bihar, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Brisketu Sharan Pandey, Advocate
	:	Mr. Amresh Kr. Sinha, Advocate
	:	Mr. Rajesh Kumar, Advocate
For the Respondent/s	:	Mr. Rajeev Ranjan, AC to GP 20

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 07-07-2022 Though the present writ petition has been filed for quashing the *ex-parte* order dated 08.02.2021, passed by the learned Lokayukta, Bihar, Patna in Case no. 01/Lok (Siksha) 100/2019 but during the interregnum period, the said order dated 08.02.2021 has already been acted upon, leading to the petitioner's termination from her services by an order dated 06.04.2021, passed by the Secretary, Panchayat Employment Unit, Paligaon Panchayat, hence the learned counsel for the



petitioner seeks to challenge the said order dated 06.04.2021 by filing a fresh writ petition, however prays that it be directed that the aforesaid order dated 08.02.2021, being first of all an *ex-parte* order and secondly being in teeth of the law laid down by a co-ordinate Bench of this Court in the case of ***Bipin Bihari Singh v. The State of Bihar and others*** vide judgment ***dated 03.06.2020***, passed in C.W.J.C. no. ***18053 of 2019***, shall not stand in the way of the petitioner while challenging the aforesaid order dated 06.04.2021.

The learned counsel for the respondent- State has got no objection to the aforesaid prayer made by the petitioner herein.

Having regard to the facts and circumstances of the case, the present writ petition stands disposed off, however with an observation that since the aforesaid order dated 08.02.2021, passed by the learned Lokayukta, Bihar, Patna, which is an *ex-parte* order, has already been acted upon, it would neither stand in the way of the petitioner nor cause any prejudice to the petitioner in her challenge to the punishment/ termination order dated 06.04.2021. It is needless to state that recovery of the amount paid as salary to the petitioner and lodging of an F.I.R., as postulated by the aforesaid order dated 08.02.2021, if not



already lodged, shall await the final outcome of the writ petition to be filed by the writ petitioner challenging the order dated 06.04.2021, however in case, appropriate writ petition is not filed by the petitioner, as aforesaid, within a period of four weeks from today, the present protection being granted to the petitioner shall stand annulled.

(Mohit Kumar Shah, J)

rinkee/-

U			
---	--	--	--

