

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8155 of 2022

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Madheshwar Singh Son of Late Sheo Govind Singh Resident of Village-
Kaler, Police Station-Kaler, District-Arwal.

... .. Petitioner/s

Versus

1. Union of India through the Secretary, Human Resources Development Department, New Delhi.
2. The Navodaya Vidyalaya Samiti through its Commissioner, A-28, Kailashpuri, New Delhi.
3. The Commissioner, Navodaya Vidyalaya Samiti, A-28 Kailashpuri, New Delhi.
4. The Deputy Commissioner, Navodaya Vidyalaya Samiti, Regional Office, in front of A.N. College, Boring Road, Patna.
5. The Assistant Commissioner, Navodaya Vidyalaya Samiti, Regional Office, in front of A.N. College, Boring Road, Patna.
6. The Principal Jawahar Navodaya Vidyalaya Samiti, Chaurasia, District-Kaimur (Bhabhua).

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Rakesh Kumar Shrivastava, Advocate
For Union of India : Mr.Praveen Kr.Sinha, Sr.Panel Counsel

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI

and

HONOURABLE MR. JUSTICE RAJIV ROY

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 27-09-2022

In the instant petition, petitioner has prayed for the following reliefs:-

“(i) For setting aside the order dated 22.09.2017 passed in O.A. No. 50/158/2014 passed by the Learned A.K. Upadhyay Member, Administrative, Central Administrative Tribunal, Patna, Bech, Patna whereby the said learned member of Tribunal had dismissed the OA



without applying his consideration of mind and without going through the merit of the case in absence of the petitioner.

(ii) For setting aside the order and further setting aside the order contained in F.A. D.P. 10/M. Singh NVS (PRT)/2011-12//2800 dated 08.02.2012 passed by the Deputy Commissioner, Navodaya Vidyalaya samittee confirmed the order of disciplinary authority.

(iii) For setting aside the order contained in F.No. 9-30/208-NVS (Estt.)/715 dated 09.09.2019 passed by Disciplinary authority whereby the petitioner removed from his service.

(iv) For grant of arrest of arrears of pay from the date of removal of service.

(v) For grant of consequential benefit to the petitioner.

(vi) For grant of any other relief or reliefs on the basis of facts and law both.”

No doubt there is an enormous delay in filing writ petition. However, having regard to the fact that petitioner's services were removed on 08.02.2012 based on the conviction in criminal case i.e., Mohnia P.S Case No. 82 of 2008. The disciplinary authority rightly invoked Rule 19 of CCS (CCA) Rules, 1965. The petitioner had a cause of action to seek reinstatement or any other benefit as and when conviction order is set aside in a criminal appeal. The criminal appeal is still pending consideration. Therefore, the present petition stands disposed off



reserving liberty to the petitioner to invoke remedy if conviction order is set aside in criminal appeal.

(P. B. Bajanthri, J)

(Rajiv Roy, J)

abhishekk/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	
Transmission Date	N/A

