

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3416 of 2023

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Jagatpati Choudhary Son of Late Manmohan Choudhary, retired Regional Deputy Director of Education (R.D.D.E.), Koshi Division, Saharsa, Resident of Village- Mahishi, P.S.- Mahishi, District- Saharsa.

... .. Petitioner

Versus

1. The State of Bihar through the Additional Chief Secretary, Department of Education, Government of Bihar, Patna.
2. The Additional Chief Secretary, Department of Education, Government of Bihar, Patna.
3. The Director (Administration)-cum-Additional Secretary, Department of Education, Government of Bihar, Patna.
4. The Joint Director, Secondary Education, Department of Education, Government of Bihar, Patna.

... .. Respondents

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Appearance :

For the Petitioner/s : Mr.Pramod Mishra, Advocate
For the Respondent/s : Mr.Sanjay Kumar, AC to GP-23

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 28-04-2023 Heard learned counsel for the petitioner and learned counsel for the State.

Petitioner has moved this Court for the following reliefs:

“(I) A certiorari setting aside the office order/Notification contained in Memo No. 696 dated 25.11.2022 issued under the signature of Director (Administration)-cum-Additional Secretary, Department of Education, Government of Bihar, Patna (Respondent No. 3), whereby and whereunder the petitioner has been put under suspension under a conspiracy just before five days of his superannuation/retirement from service i.e. on 30.11.2022 with malafide and malicious intention upon some political pressure; without affording him sufficient opportunity of hearing or filing his show cause and completely ignoring and overlooking his



reply to show cause dated 21.11.2022 submitted by the petitioner in reply to a very illegal, biased, nonest and malicious allegation levelled by one Rupnarayan Yadav, an Assistant Teacher, regarding his removal from centre Superintendent in Intermediate/Secondary Annual Board Examination-2021 by the petitioner on account of several complaints received against him both by teachers/invigilator and students, petitioner has been put under suspension without proper inquiry or investigation at the instance of some political high-ups.

(ii) A Mandamus commanding and directing the Respondent concerned to pay full salary of the petitioner for the period between 25.11.2022 to 30.11.2022 as also to pay the petitioner, all his post retiral benefits including pension as the petitioner after serving the Department for more than three decades, retired from the post of Regional Deputy Director of Education (R.D.D.E.), Koshi Division, Saharsa with a clean service record, but at the fag end of service under a conspiracy the petitioner has been put under suspension in contemplation of departmental proceeding upon some malicious allegation leveled by a teacher out of grudge as the petitioner during his posting as District Education Officer, Madhepura, took disciplinary action against the said teacher upon complaints, but the same fact has completely been overlooked by the Department while passing the order impugned which cannot said to be justified and is bad in the eye of law.

(iii) And/or any other relief or reliefs for which petitioner is found entitled to, in the facts and circumstances of this case.”

Learned counsel for the petitioner submits that few days before the date of superannuation of the petitioner on 30.11.2022, the order of suspension was revoked.

Learned counsel submits that so far as the present writ application is concerned, it has become infructuous.

It is further submitted that a disciplinary proceeding



has been initiated against the petitioner after his superannuation which is not the subject matter of challenge in the present writ application.

Learned counsel for the State agrees that the so far as the present writ application is concerned, it has become infructuous.

This Writ Application is dismissed as not pressed.

(Rajeev Ranjan Prasad, J.)

Rajeev/-

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