

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3814 of 2023

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Gyanti Kumari Wife of Shyam Narayan Singh Resident of L/75, Anugrahपुरi Colony, P.S.- Rampur, District- Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Human Resources Development, Government of Bihar, Patna.
2. The Principal Secretary, Human Resources Development, Government of Bihar, Patna.
3. The Director, Primary Education, Bihar, Patna.
4. The District Education Officer, Gaya.
5. The District Programme Officer (Establishment), Gaya.
6. The Block Education Officer, Town Block, Gaya.
7. The Accountant General, Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar, Advocate

For the Respondent/s : Mr. Kameshwar Kumar (GP 17)

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 25-07-2023 Heard Mr. Sanjeev Kumar, learned counsel appearing on behalf of the petitioner and Mr. Kameshwar Kumar, learned GP-17 for the respondent/s.

2. Learned counsel appearing on behalf of the petitioner informs this Court that petitioner had already filed an appeal before the Appellate Authority against the penalty order dated 13.02.2020 contained in Memo no. 249 and appeal of the petitioner was allowed. The penalty order was quashed.

3. Learned counsel appearing on behalf of the petitioner submitted that the benefit has not been granted to the petitioner because criminal proceeding is pending against him.



He further submitted that law is well settled that once the petitioner has been exonerated in the departmental proceeding, the criminal proceeding pending against him is not sustainable.

4. Considering the aforesaid submission made on behalf of the petitioner, the petitioner, if so advised, may seek remedy before the Director, Primary Education, Bihar, Patna for redressal of his grievance.

5. The Director, Primary Education, Bihar, Patna must consider the grievance of the petitioner in light of the settled principle of law laid down by the Apex Court. The petitioner may bring before the Director, Primary Education, Bihar, Patna the law laid down by the Apex Court in support of his claim seeking payment of retiral dues.

6. In case, the Director, Primary Education, Bihar, Patna, finds that the same is payable, the same be paid to the petitioner within a period of six weeks from the date of filing of the representation in accordance with law.

7. With above observation and direction, the present writ petition is disposed of.

(Purnendu Singh, J)

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