

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.405 of 2022

Arising Out of PS. Case No.-183 Year-2021 Thana- SALAKHUA District- Saharsa

Nityanand Prasad @ Rana Son of Jagdish Pandit (Headmaster, NPS, Itahari North, Saharsa), Resident of Sharma Chowk, Vaidehi Bhawan, P.O.- Simri Bakhtiyarpur, District - Saharsa.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Govt. of Bihar, Patna.
2. The Director, Primary Education, Govt. of Bihar, Patna.
3. The District Magistrate, Saharsa, District Saharsa.
4. The Superintendent of Police, Saharsa.
5. The District Education Officer, Saharsa.
6. The District Programme Officer, Saharsa.
7. The Block Education Officer, Banka Itahari, Saharsa.
8. The Panchayat Secretary-cum-Panchayat Teacher Employment Committee, Gram Panchayat, Itahari Saharsa.
9. Sri Anil Kumar Son of Ram Narayan Yadav (Incharge, NPS Itahari), Resident of village - Itahari, P.S.- Salkhua, District - Saharsa.

... .. Respondent/s

Appearance :

For the Petitioner/s : Ms. Rashmi Jha, Adv.
For the Respondent/s : None

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 26-04-2023 Heard learned counsel for the petitioner.

The present Cr. Writ Petition has been filed for quashing of F.I.R. bearing Salkhua (Banma Itahari) P.S. Case No. 183 of 2021 dated 07.10.2021, lodged under Section 420, 406 of I.P.C., in which charge sheet has been submitted under Section 406, 188 of I.P.C. and also to quash the entire proceeding including investigation.



Learned counsel for the petitioner submits that from the contents of F.I.R. it is clear that petitioner was dismissed from service vide order dated 27.01.2018 and due to non providing of different documents even after dismissal the present F.I.R. has been lodged on the basis of letter dated 15.09.2021 against the petitioner. Learned counsel submits that the order of dismissal dated 27.01.2018 was set-aside by this Hon'ble Court in C.W.J.C. No. 3731 of 2018 with C.W.J.C. No. 3902 of 2018, in result, the basis of F.I.R. is now collapsed and is now no more. In this view of the matter, counsel for the petitioner seeks for quashing of said F.I.R.

Learned counsel for the State not present to defend the stand of State.

From the documents as well as from the order passed in C.W.J.C. No. 3731 of 2018 with C.W.J.C. No. 3902 of 2018, it transpires to this Court that from the relief portion of the present criminal writ petition itself, it is clear that charge sheet has already been submitted, therefore, at this juncture this Court only grants permission to the petitioner to file representation before Chief Judicial Magistrate, Saharsa with the order passed in C.W.J.C. No. 3731 of 2018 with C.W.J.C. No. 3902 of 2018, by which, the order of dismissal dated 27.01.2018 was set-aside.



In this view of the matter, petitioner is directed to file representation before the Chief Judicial Magistrate, Saharsa with the order passed in C.W.J.C. No. 3731 of 2018 with C.W.J.C. No. 3902 of 2018, by which, the order of dismissal dated 27.01.2018 in the light of order passed in the case of ***Surendra Singh Vs. State of Bihar and others*** on 09.09.2022 in ***Cr. W.J.C. No. 153 of 2017*** with analogous cases specifically as per **Paragraph No. 10 (VI to VII)** of the said case and request for initiation of proceeding under Section 173 (8) of Cr.P.C., so that, the appropriate remedy should be available to the petitioner.

With the aforesaid direction, the present Cr. Writ Petition stands disposed off.

(Dr. Anshuman, J.)

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