

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4923 of 2023

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Washiat Hussain, S/o- Izahar Hussain R/o- Village- Pipra, P.O and P.S.-
Damodarpur, District- East Champaran, Motihari.

... .. Petitioner/s

Versus

1. The State of Bihar, through its Addl. Chief Secretary, Department of Education, Government of Bihar, Patna.
2. The Addl. Chief Secretary, Department of Education, Government of Bihar, Patna.
3. The Director of Primary Education, Government of Bihar, Patna
4. The Regional Deputy Director of Education, Patna Division, District-Patna.
5. The District Education Officer, Patna, District- Patna
6. The District Programme Officer (Establishment), Patna, District- Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Brisketu Sharan Pandey, Advocate
For the Respondent/s	:	Mr.Subhash Chandra Mishra (SC- 16)
		Mr. Madhukar Mishra, AC to SC-16

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 01-11-2023 The present writ petition has been filed
seeking the following reliefs:-

“1. A) For issuance of writ of Certiorari and thereby quashing the order dated 02.06.2017 bearing Memo No. 565 (Annexure-P/1) issued by Director Primary Education (Respondent No.3) whereby and whereunder the petitioner, (who at the relevant point of time was posted as Block Education Officer, Belchhi, Patna) has dismissed from the service.



B) For issuing writ of Certiorari and thereby quashing the enquiry report dated 30.01.2017 (Annexure-P/2) which has been issued in violation of the Rule 17 Clause 23 (i) of the Bihar CCA Rules. 2005.

C) For issuance of writ of Mandamus granting all consequential benefit which the petitioner is entitled to (including treating the period of suspension till the impugned order of dismissal to be the period served by the petitioner for which salary may also be paid) as the outcome of quashing of the order dated 02.06.2017 (Annexure-P1).

D) For holding that the arrest of the petitioner by the trap team. FIR Pre-Trap and Post-Trap Memo which are subject matter before the Vigilance Court cannot be in themselves evidence to establish the demand and acceptance of bribe by the petitioner.

E) For holding that the Enquiry Officer has given a laconic enquiry report without dealing with the submissions of the presenting officer and the defence of the charged employee and as such the enquiry report cannot form the basis of holding the charged employee guilty of the misconduct.

F) For departmental proceedings held



against the petitioner suffers from patent illegality and procedural lapses, the enquiry report cannot be sustained as also the impugned order of dismissal and the appellate order upholding the dismissal.

G) For issuing appropriate directions regarding the period of suspension to be treated as period has been served by the petitioner and direction to consider for salary of the petitioner be also given as consequence to quashing of impugned order dated 02.06.2017.”

2. At the outset, the learned counsel for the petitioner submits that the petitioner has already filed an appeal before the Principal Secretary, Human Resources Development Department, Bihar, Patna on 13.07.2017, however, the same has not yet been disposed off, hence a direction be given to dispose off the same within a stipulated time frame.

3. Having regard to the limited prayer made by the petitioner in the present writ petition, I deem it fit and proper to direct the appellate authority to decide the appeal filed by the



petitioner, in case the same has yet not been decided, by passing a reasoned and a speaking order, in accordance with law, within a period of six weeks of receipt/production of a copy of this order.

4. At this juncture, the learned counsel for the petitioner submits that the petitioner be granted liberty to file a supplementary petition in the aforesaid appeal, raising additional grounds in order to buttress his stand. Accordingly, the petitioner is granted liberty to file a supplementary petition, in the aforesaid appeal, within a period of two weeks from today.

5. The writ petition stands disposed off on the aforesaid terms.

(Mohit Kumar Shah, J)

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