

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7190 of 2023

Prabhat Kumar Son of Sri Vijay Pandit, Resident of Village and Post-Manjaur, P.S. Warisaliganj, District- Nawada.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Additional Chief Secretary, Department of Education, Government of Bihar, Patna.
3. The Secretary, Department of Education, Government of Bihar, Patna.
4. The Bihar State Educational Infrastructure Development Corporation Limited, (A Government of Bihar undertaking), Shiksha Bhawan, Bihar Rashtra Bhasha Parishad Campus, Acharya Shiv Pujan Sahay Path, Saidpur, Patna through its Managing Director.
5. The Development Commissioner-cum-Appellate Authority, Bihar State Educational Infrastructure Development Corporation Limited, Bihar, Patna.
6. The Managing Director, Bihar State Educational Infrastructure Development Corporation Limited, Shiksha Bhawan, Bihar Rashtra Bhasha Parishad Campus, Acharya Shiv Pujan Sahay Path, Saidpur, Patna.
7. The Chief Engineer, Bihar State Educational Infrastructure Development Corporation Limited, Shiksha Bhawan, Bihar Rashtra Bhasha Parishad Campus, Acharya Shiv Pujan Sahay Path, Saidpur, Patna
8. The Chief Consultant (Technical), Bihar State Educational Infrastructure Development Corporation Limited, Shiksha Bhawan, Bihar Rashtra Bhasha Parishad Campus, Acharya Shiv Pujan Sahay Path, Saidpur, Patna.
9. The Superintending Engineer-cum-Registering Authority, Bihar State Educational Infrastructure Development Corporation Limited, Shiksha Bhawan, Bihar Rashtra Bhasha Parishad Campus, Acharya Shiv Pujan Sahay Path, Saidpur, Patna.
10. The Executive Engineer (Head Quarters), Bihar State Educational Infrastructure Development Corporation Limited, Shiksha Bhawan, Bihar Rashtra Bhasha Parishad Campus, Acharya Shiv Pujan Sahay Path, Saidpur, Patna.

... .. Respondent/s



Appearance :

For the Petitioner/s : Ms.Rashmi Kinjalk, Adv.
For the Respondent/s : Mr.Madhaw Prasad Yadaw, GP-23
Mr. Sanjay Kumar, AC to GP-23
For the BSEIDC : Mr. Girijish Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 28-11-2023 The present writ petition has been filed seeking the
following reliefs:-

“1(A). A writ of certiorari for setting aside the impugned office order, contained in Memo No. 108, Patna dated 27.06.2022, issued by the respondent No. 6 (Annexure- 9) whereby and whereunder service of the petitioner on the post of Junior Engineer, which was on contract was terminated by giving him one month prior notice by respondent No. 6 i.e. Managing Director for the matter of video clip had been sent by a villager namely Sri Amit Kumar Singh from the site i.e. under Group No. 555-1440 the building of Senior Secondary School Ujaina was being built by the contractor M/S Rampukar Prasad where the work of footing of foundation was going on. The villager had sent the video clip to Education Department Head Quarters that in construction of footing of foundation pedestal instead of concrete, brick was being used which showed his carelessness and indifference. (Annex-9). While the petitioner had given representation (Annexure-7) on 12.06.2022 for considering his claim on that post of Junior



Engineer, which has arbitrarily and illegally been rejected by the respondent No. 6, though the petitioner was not present on the construction site on the alleged date of 04.06.2022. Here the petitioner has clarified that on 25.05.2022 and 29.05.2022 raft of foundation had been done in his presence and after it the contractor had stopped work. On 01.06.2022 when Assistant Engineer had visited the construction site for inspection at that time work was not going on. On 03.06.2022 the petitioner had talked to Munshi (clerk) of the contractor via-telephone. During telephonic conversation, munshi had told the petitioner that pedestal work was not going on and before beginning of the pedestal work, the petitioner will be informed. But on 04.06.2022 without giving any information to the petitioner the construction work of footing of pedestal was started, in which instead of concrete, bricks were used. After getting such information on 05.06.2022, in the morning he went there and got all the new wrong construction demolished with the help of contractor.

(B). A writ of mandamus commanding the respondent authorities concern to allow the petitioner to continue on that post of Junior Engineer as he had been working in this department since 04.09.2014 to the best of his abilities and entire satisfaction to the



administration and public. He has always been very punctual, dedicated and sincere employee.

The petitioner had duty in 6 blocks of District Siwan in which there were 11 running sites. But on 04.06.2022 his Controlling Officer/Executive Engineer had instructed him orally to prepare measurement book of Group No. USSS-1455 of Karnpura and to receive the running MB by going to the Headquarters Patna. His selfie at Headquarters and MB receive (Annexure- 5 Series) is already present in the website of office. Hence the petitioner is entitled to be absorbed on that post (Junior Engineer).”

2. At the outset, the learned counsel for the petitioner has submitted, by referring to paragraph no. 18 of the present writ petition that the petitioner has filed an appeal on 4.7.2022 before the Development Commissioner, Bihar, Patna-cum-Appellate Authority, however, the same has not yet been disposed off, hence, the Appellate Authority be directed to dispose off the same.

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 Development Commissioner, Bihar, Patna-cum-Appellate Authority, to dispose off the aforesaid appeal filed by the petitioner, in case the same is still pending, by passing a



reasoned and a speaking order, in accordance with law, within a period of six weeks of receipt / production of a copy this order.

4. The present writ petition stands disposed off on the aforesaid terms.

(Mohit Kumar Shah, J)

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