

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47704 of 2017

Arising Out of PS. Case No.-32 Year-2016 Thana- KASMA District- Aurangabad

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1. Paras Nath Singh Son of Late Brij Nandan Singh, the resident of Village Darbhanga, P.O.- Teldiha, P.S.- Madanpur, District- Aurangabad.
 2. Kamakhya Narayan Singh, Son of Sri Shailendra Singh, Village and P.O. Akauna, P.S.- Goh, District- Aurangabad.
 3. Ramjanam Ram, Son of Mohar Ram, resident of Village- Mirzapur, P.O. and P.S.- Risiyaf, District- Aurangabad.
 4. Nageshwar Ram, Son of Sri Kesho Ram, Resident of Village- Paima, P.O.- Damari Belwan, P.S. Madanpur, District- Aurangabad.
 5. Sikandar Ram, Son of Rameshwar Ram, Resident of Village- Rampur, P.O.- Ramvilas Nagar, Varthouli, P.S. and District- Aurangabad.
 6. Arjun Singh, Son of Jai Nandan Singh, resident of village- Ram Nagar, P.O.- Ram Nagar, P.S.- Obra, District- Aurangabad.

... .. Petitioner/s

Versus

1. State Of Bihar
2. Mahendra Rajak, B.E.O., Rafiganj, Son of Karu Rajak, resident of Village- Masaura Gurd, P.S. Muffasil, P.O. Barah Gandar, District- Gaya.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shailesh Kumar Singh, Advocate
For the Opposite Party/s : Mr. Aditya Narayan Singh 1, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 10-11-2023 1. Heard learned counsel for the petitioners and learned APP for the State.

2. The learned counsel for the petitioners submits that the present quashing application has been filed seeking quashing of the order dated 22.07.2017 passed by the learned ACJM-VI, Aurangabad in connection with Kasma P.S. Case No. 32 of 2016 whereby cognizance has been taken under Sections 409 and 420 of the IPC.



3. The learned counsel for the petitioners submits that from bare perusal of the allegation as alleged in the F.I.R., it would manifest that no criminal offence is made out in the nature of allegation as alleged by the informant though it can be said that administrative lapses were committed by the petitioners but then committing of administrative lapses, by no stretch of imagination, can be said that it entails criminality.

4. The learned counsel next submits that from perusal of the allegation as alleged in the F.I.R., it would manifest that the informant alleges that this Court had directed for holding an inquiry with regard to the *Panchayat* teacher by the Vigilance Investigation Bureau, accordingly, the D.M., Aurangabad vide his letter dated 21.07.2016 had directed all the Panchayat Secretaries of the Appointment Unit to ensure to provide the merit list of the appointed teachers and the last date for submitting the merit list was 30.07.2016, but the same was not submitted by the last date which amounted to violating the orders of this Court as well as the orders of the Department.

5. The learned counsel for the petitioners submits that the allegation itself records that the action of the petitioners who were Panchayat Secretaries in not submitting the merit list of the appointed teachers in time by the last date amounted to violating



the orders of the Department for which a departmental proceeding ought to have been initiated. It is next submitted that the authorities were aware that in departmental proceeding, they will not be able to prove the case, as such, the present criminal prosecution was launched.

6. The learned counsel for the petitioners, at the cost of repetition, submits that the allegation as alleged in the FIR does not even remotely suggest that any criminality was involved.

7. The learned APP for the State is not in a position to rebut the submissions of the learned counsel for the petitioners.

8. Considering the submissions made by the learned counsel for the petitioners, the order dated 22.07.2017 passed by the learned ACJM-VI, Aurangabad in connection with Kasma P.S. Case No. 32 of 2016 whereby cognizance has been taken under Sections 409 and 420 of the IPC **is hereby quashed.**

9. Accordingly, the present quashing application stands allowed.

(Satyavrat Verma, J)

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