

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9318 of 2015

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Satish Prasad Singh Son of Shyam Lal Singh, Resident of village- Navgarh,
P.O.- Asadhi, Police Station- Hilsa, District- Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar through its, Principal Secretary, Human Resources Development Department (Education), Government of Bihar, Patna
2. The Secretary, Primary and Secondary Education, Government of Bihar, Patna.
3. The District Magistrate, Nalanda at Biharshariff.
4. The deputy development Commissioners, Nalanda, at Biharshariff.
5. The District Education Officer, Nalanda, at Biharshariff.
6. The District Programme Officer, Nalanda, at Biharshariff.
7. The Sub Divisional Education Officer, Hilsa, Nalanda.
8. The Mukhiya, Yogipur Panchayat, Hilsa, Nalanda.
9. The Panchayat Secretary, Yogipur Panchayat, Hilsa, Nalanda.
10. Smt. Asha Devi, Wife of Shri Dinesh Prasad, Panchayat Teacher, Upgraded Middle School, Yogipur, Hilsa, Nalanda.
11. Shri Dinesh Prasad, Mukhiya, Yogipur Panchayat, Hilsa, Nalanda.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Anil Kumar Singh, Advocate Mr. Safugendra Pd. Singh, Advocate Mr. Samir Kr. Bharti, Advocate
For the Respondent/s	:	Mr. Ravi Kumar, AC to GP13

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

- 3 05-12-2023 1. Heard learned counsel for the petitioner and
learned counsel for the respondents.
2. The petitioner has filed the instant application
praying for a direction to the respondents to remove respondent
no.10 from the post of Panchayat teacher, who according to the
petitioner was illegally holding the said post on the basis of



wrong educational certificates and has been appointed in connivance with her husband, respondent no.8 who happens to be the Mukhiya.

3. Bereft of unnecessary details it may be stated here that a counter affidavit has been filed on behalf of the District Education Officer, Nalanda and the District Programme Officer, Nalanda, respondent nos. 5 and 6 stating therein that on an earlier occasion also one Baleshwar Prasad Singh had moved this Court in a writ application for a similar relief. The same was disposed of directing the petitioner therein to approach the District Magistrate, Nalanda. Substance was found in the allegations levelled against the respondent no.10 and accordingly in view of the outcome of the enquiry, it is stated that the District Magistrate, Nalanda has directed for appropriate steps to be taken in accordance with law.

4. Relevant paragraph nos. 6 to 8 of the counter affidavit of respondent nos. 5 and 6 is reproduced hereinbelow for ready reference:-

“6) That it is humbly submitted by the deponent, that one Baleshwar Prasad Singh had earlier approached this Hon'ble Court alleging misappropriation of funds by the mukhiya of the concerned gram panchayat and the said writ application which was filed as PIL, was disposed of on 10.02.2009 and the petitioner was directed to approach the District Magistrate, Nalanda for



redressal of his grievances vide annexure-2 of the writ application.

7) That in view of representation having been filed in pursuance of orders and directions of the Hon'ble Court in the aforesaid writ application, an enquiry appears to have been made in respect of allegation relating to illegal appointment made by the mukhiya and it has come that the respondent no.8 illegally got appointed his wife, Asha Devi on the post of panchayat shiskha mitra which has now been absorbed as panchayat teacher after 01.07.2006 and recommendation has been made for taking action against the mukhiya as also in respect of removal of Asha Devi from the post of panchayat teachers being illegally appointed on forged certificate.

8) That it is stated and submitted that the aforesaid enquiry report as contained in annexure-6 was not forwarded to the office of answering respondents to enable them to take appropriate steps for removal of illegal appointed panchayat teacher however, after getting knowledge about the same through the instant writ application, the answering respondent vide letter no.-1491 dated 22.09.2015 has directed the engagement to take steps for removal of Asha Devi in accordance with law after asking show-cause and further, the District Magistrate, Nalanda has also been requested to take appropriate action in the light of enquiry report as contained in annexure-6 of the writ application vide letter no.-497 dated 29.09.2015.

A photocopy of letter no.1491 dated 22.09.2015 and letter no.- 497 dated 29.09.15 is annexed herewith as Annexure-A and B to this counter affidavit."

5. In view of the contents of the counter affidavit, as quoted hereinabove, it is directed that the respondent authorities will take the matter to its logical conclusion, however, before



taking any action against the respondent no.10, notice will be issued to her and she shall be heard before any order is passed in accordance with law.

6. It is made clear that the Court has not gone into nor expressed any opinion on the merits of the appointment or otherwise of the respondent no.10.

7. The writ application stands disposed of.

(Partha Sarthy, J)

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