

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6149 of 2024

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Usha Kumari Wife of Late Umeshwar Mishra, D/o- Late Ramchandra Dwivedy Resident of Vidya Nagar, Behind Uttarwari Pokhra, Post- Bettiah, P.S.- Kalibagh O.P., Bettiah Town, District- West Champaran, Bihar, At present Head Mistress Govt. Basic School, Madhopur Govind, P.S.- Chakia, Post- Chakia, under District- East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through Director, Primary Education, Education Department, Govt. of Bihar, Patna.
2. The Regional Deputy Director of Education, Tirhut Division, Muzaffarpur, Education Department, Govt. of Bihar.
3. The District Programme Officer (Establishment), Gopalganj, Education Department, Govt. of Bihar.
4. The District Education Officer, Gopalganj, Education Department, Govt. of Bihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Harendra Kumar Tiwary
For the State : Mr. Rajeev Shekhar

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL JUDGMENT

Date : 18-04-2024

Heard learned counsels for the parties.

2. The instant writ application is being filed for the following relief(s):

- I) *For issuance of appropriate writ(s), order (s) and direction(s) to respondents, particularly, Respondent Director Primary Education, Government of Bihar to pass final order in disciplinary proceeding against the petitioner vide Memo 470 dated 17.06.2022, which is still pending.*
- II) *For issuance of appropriate writ(s), order(s) and direction(s) that in view of Letter No. 2178 dated 28.02.2007, the respondents are duly bound to conclude disciplinary proceeding within a period of one year from the date of issuance of Form "A" (Parpatra "K") i.e. Article of Charge which has*



been issued vide Memo No. 2224 dated 09.12.2021.

III) For issuance of appropriate writ(s), order(s) and direction (s) to the respondents to pass final order in disciplinary proceeding for which enquiry report has already been sent to the respondent Director Primary Education on 27.01.2023 itself.

IV) For any other relief(s) for which the petitioner is found entitled in the facts and circumstances of the case.

3. Learned counsel for the petitioner submits that on the basis of certain unfounded allegations, Prapatra “K” (Form “A”) was served upon the petitioner on 09.12.2021 vide Memo No. 2224, while she was posted as Block Education Officer, Manjha under Gopalganj District, Bihar. Thereafter, respondent DPO was appointed as Presenting Officer, while respondent RDDE was appointed as Conducting Officer in disciplinary proceeding initiated against this petitioner vide memo no. 470 dated 17.06.2022.

4. It is further submitted that respondent RDDE vide letter no. 24 (High) dated 27.01.2023, send Enquiry report to respondent Director Primary Education, Government of Bihar in disciplinary proceeding pending against this petitioner as stated above. For passing the final order in pending disciplinary proceeding, the peititoner also visisted personally and represented on various occasions, but till date final order in the above stated disciplinary proceeding has not been passed, reason



best known to the respondents.

5. After hearing learned counsel for the petitioner and also perusing the contents of the writ application, it appears that respondent RDDE send Enquiry report to respondent Director Primary Education, government of Bihar in disciplinary proceeding pending against this petitioner, but till date, nothing was done in regard to the above stated.

6. Accordingly, respondent no.1 is well advised to pass a reasoned and speaking order in disciplinary proceeding pending against this petitioner in accordance with law within a period of four weeks from the date of receipt/production of a copy of this order.

7. It is made clear that respondent no.1 shall be liable for non-compliance of this order within the stipulated period.

8. With the aforesaid directions, this application stands disposed of.

(Anjani Kumar Sharan, J)

divyanshi/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	25.04.2024
Transmission Date	NA

