

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17003 of 2015

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Md. Shahid Hussain S/o Late Abdul Sattar R/O Village Hajipur Gola, P.s.-
Rafiganj, District- Aurangabad

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary Human Resources Development, Bihar, Patna
2. Director, Primary Education Bihar Patna
3. District Education Officer, Aurangabad
4. District Programme Officer (Establishment), Aurangabad
5. Block Education Officer Rafiganj District- Aurangabad

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Diwakar Prasad Singh, Advocate
For the Respondent/s : Mr. S.K. Mandal- SC24

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 08-02-2024 1. The petitioner has filed the instant application for
the following relief/s:-

“(i) That for issuance of appropriate writ order or direction or writ in the nature of certiorari quashing the Memo No.1209 dated 27.06.15 since the respondent has not passed any order after expiry of ninety days (Three months) since it was incumbent upon the respondents to pass a reasoned order after service of charge sheet in view of recent ratio laid down by Hon'ble Supreme Court of India in (2015) 7 SCC 291 [Ajay Kumar Chaudhary Vs Union of India & Ors].

(ii) That for issuance of appropriate writ order or direction or writ in the nature of mandamus commanding the respondents Principal Secretary to weight



the feasibility of Charge against the petitioner & further direct the respondent Principal Secretary to conduct an enquiry appertains to the order passed by respondent No.3 by which the petitioner was pressurized to pay Salary of Rs.2,71,426/- to a teacher namely Sri Rajiv Ranjan Sharma who remain absent from duty since 20.09.10 to almost 2013 but direction to payment of salary was given by respondent No.3 District Education Officer, Aurangabad under extraneous consideration, the respondent No.3 District Education Officer was earlier punished in a disciplinary proceeding which is apparent from Memo No.1142 dated 18.10.12 & the case of the petitioner is identical in nature in case enquiry is conducted then it will be proved [1] that Sri Rajiv Ranjan Sharma remain absent from duty since 20.09.10 to almost whole 2013 & further [2] there is evidence that Sri Rajiv Ranjan Sharma fabricated letter No.333 dated 04.07.13 purported to have issued by Block Education Officer Rafiganj, Whereas Block Education Officer Rafiganj reported that the letter No.333 dated 04.07.13 was issued with another context but despite all this no action was taken against Sri Rajiv Ranjan Sharma but Sri Sharma was illegally paid Rs.2,71,426/- by the order of respondent No.3 District Education Officer detrimental to the interest of the state as such direction be given to the respondent No.1 principal Secretary to make enquiry against the absentee of Sri Rajiv Ranjan Sharma, as well as [3] feasibility of direction issued by respondent No.3 District Education Officer directing illegal payment of Rs.2,71,426/- for an absented teacher to



pay the salary for unauthorized period & upon reluctance the petitioner was suspended.

(iii) That for issuance of appropriate writ order or direction or writ in the nature of mandamus commanding the respondent No.1 Principal Secretary to make enquiry as to direction issued by respondent No.3 by letter no.141 dated 29.01.13 [Annexure-4] & letter No.430 dated 28.03.14 [Annexure-7] by which direction to payment was given & Rs.2,71,426/- was illegally directed to pay to an absented teacher in animus decidendi & upon reluctance the petitioner was suspended.

(iv) That for issuance of appropriate writ order or direction or writ in the nature of mandamus commanding the respondents not to harass the petitioner who was working in proper manner & was justified in not making payment as drawing & disbursing officer but the Disciplinary Authority i.e. Block Education Officer & District Education Officer was guilty of not taking any action against the habitual absented teacher & was further guilty of directing payment of salary for the same period & further guilty of not taking any action against the absented teacher producing fake & forged letter No.333 dated 04.07.13 forged by Sri Rajiv Ranjan Sharma in order to procure salary of Rs.2,71,426/- by illegal means.

(v) That for grant of any other relief or reliefs to which the petitioner be found entitled in law be granted to them.”

2. Mr. Diwakar Pd. Singh, learned counsel appearing



for the petitioner submits that during pendency of the writ application the grievance of the petitioner has been redressed and as such he seeks permission to withdraw this application.

3. In view of the above, this application is disposed of as withdrawn.

(Partha Sarthy, J)

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