

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.5939 of 2023**

Binod Kumar S/o Late Lakshman Prasad Singh, R/o H. No. 415, Nera Sant Gandhi School, Shastri Nagar, Shaikhpura, P.O. B.V, College, Patna, P.S. Shastri Nagar, Dist. Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Government of Bihar, Patna.
2. The Director, Secondary Education, Department of Education Government of Bihar, Patna.
3. The Regional Deputy Director of Education, Patna Division, Patna.
4. The District Education Officer, Patna.
5. The District Programme Officer (Establishment), Patna.

... .. Respondent/s

**Appearance :**

For the Petitioner : Mr. Uday Pratap Singh, Advocate  
For the State : Mr. Prabhakar Jha, GP-27

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH**  
**ORAL ORDER**

2      11-11-2024                      Heard learned counsel for the parties.

2. The present writ application has been filed quashing the orders dated 17.01.2022 as contained in Memo No. 417 (Annexure-11 to this writ application) and 28.02.2023 as contained in Memo No. 620 (Annexure-16 to this writ application) passed by the District Programme Officer (Establishment), Patna (Respondent No. 5) whereby and whereunder penalty of censure has been imposed upon the petitioner and further directions have been issued for payment of only subsistence allowance to the petitioner during the period of suspension.



3. At the outset, learned counsels appearing on behalf of the State raise preliminary objection to the maintainability of this writ application on the ground that petitioner has got alternative statutory remedy before the Regional Deputy Director of Education, Patna Division, Patna (Respondent No. 3). It is further submitted that no justifications have been given as to why this writ application shall be heard by this Hon'ble High Court, even when alternative statutory remedy to move before the Regional Deputy Director of Education, Patna Division, Patna (Respondent No. 3) is available to the petitioner.

4. Learned counsel appearing on behalf of the petitioner is not in a position to dispute the contentions made on behalf of the State.

5. Considering the aforesaid facts and circumstances, this writ petition is disposed of with direction to the petitioner to move before the Regional Deputy Director of Education, Patna Division, Patna (Respondent No. 3) by filing representation, within a period of six weeks.

6. It is needless to say that if such representation is filed by the petitioner within the stipulated period, the Regional Deputy Director of Education, Patna Division, Patna (Respondent No. 3) shall proceed in the matter and dispose of



the same, in accordance with law, after hearing the parties, by a  
reasoned and speaking order, as expeditiously as possible.

**(Prabhat Kumar Singh, J)**

shashank/-

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