

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49082 of 2024

In
Criminal Writ Jurisdiction Case No.267 of 2023

Arising Out of PS. Case No.-56 Year-2022 Thana- BALIA BELON District- Katihar

Md. Sabir Hussain S/o Shamsul Haque R/o Larkania Tola, P.S. - Katihar,
Distt. - Katihar

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Home Department, Patna Bihar
2. The District Education Officer, Katihar, Bihar
3. The Block Education Officer, Kadwa, Katihar, Bihar
4. The Principal, Primary School, Hakimabad, Panchayat Bichhara, P.S. - Balia Belon, Distt. - Katihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajit Kumar Singh
For the Opposite Party/s : Mr. A.A.G.-3

CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

2 12-07-2024 1. Cr.W.J.C. No. 267 of 2023 was disposed of by this Court on 1st of March, 2024, directing the Investigating Officer to conduct investigation in respect of claim of the petitioner and submit a report to the Jurisdictional Magistrate within two months from the submission of the copy of the writ petition to the Investigating Officer. In the order, it was directed that if the Investigating Officer finds that the petitioner was appointed after having the eligibility on being passed Bihar Secondary Teacher's Eligibility Test, the Investigating Officer is at liberty to file report in final form in the jurisdictional Court of Magistrate.



3. Now, by filing a petition in the aforesaid Miscellaneous Case, it is submitted on behalf of the petitioner that police had filed charge-sheet against the petitioner before the Court of learned Jurisdiction Magistrate without considering the points mentioned in the order dated 1st of March, 2024.

4. Therefore, the petitioner has prayed for modification of the order dated 1st of March, 2024, directing the Judicial Magistrate, Katihar to consider the defence case of the accused person.

5. The prayer made by the petitioner is submitted before this Court absolutely on a new cause of action, which has been accrued after submission of charge-sheet against him.

6. Therefore, question of modification of the order dated 1st of March, 2024 does not arise.

7. The petitioner is at liberty to file separate application under appropriate provision of law praying for appropriate relief.

8. I do not find any merit in the instant application for modification and accordingly the same is rejected.

(Bibek Chaudhuri, J)

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