

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16515 of 2021

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Mritunjay Kumar Bharti, Son of Ganesh Prasad Singh, resident of Village
Lodipur, P.S. Lodipur, District Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Education Department, Government of Bihar,
Patna.
3. The Director Incharge, Mass Education cum Special Secretary, Education
Department, Bihar, Patna.
4. The District Magistrate, Bhagalpur.
5. The District Education Office, Bhagalpur.
6. The District Programme Officer (Literacy), Bhagalpur.
7. The Superintending Engineer, Building Circle, Building Construction
Department, Bhagalpur.
8. The Executive Engineer, Building Construction Department, Bhagalpur
Division, Bhagalpur.
9. The District Public Education Officer, Bhagalpur.
10. The Project Officer, Non Formal Education, Sabour, Bhagalpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Ajay Kumar Jain, Advocate Mr. Rajendra Kumar Jain, Advocate
For the Respondent/s	:	Mr.Lalit Kishore, Sr. Advocate Mr. Prabhakar Jha, Advocate

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 07-02-2024 The present writ petition has been filed
seeking the following reliefs:-

"1. (i) That by this writ petition the
petitioner craves indulgence of this
Hon'ble Court for issuance of writ/writs,
order/orders, direction/directions in the
nature of Certiorari by quashing the
office order No. 35 dated 30.6.2021



issued under the signature of the Superintending Engineer, Building circle, Building Construction Department, Bhagalpur vide Memo No. 566 by which order, the petitioner has been dismissed from the Government service as well as *direction was given by the said Authority for recovery of the paid amounts from the employee and the aforesaid order has been passed by this respondent in pursuance to the order issued by the Director Incharge Mass Education cum Special Secretary, Education Department, Bihar, Patna vide Memo No. 697 dated 28.6.21.*

(ii) For quashing the order dated 28.6.21 passed by the Director Incharge, Mass Education cum Special Secretary, Education Department, Bihar Patna contained in Memo No. 697 by which the said Authority has cancelled the earlier recommendation of absorption / appointment of the petitioner against class-IV sanctioned and vacant post issued by him through letter No. 444 dated 25.2.2020 to the Superintending Engineer, Building Construction Department, Building Circle, Bhagalpur.

(iii) For quashing the office order dated 13.7.2021 contained in letter No. 2138 issued under the signature of the Executive Engineer, Building Division, Building Construction Department,



Bhagalpur by which the petitioner has been relieved from his government work and also directed to submit reply as to why not legal action be taken against the petitioner.

(iv) For reinstatement of the petitioner on his post with all the consequential benefits as the petitioner has been dismissed from the service on an illegal consideration from the permanent sanctioned post without asking any show-cause notice and not giving any opportunity to him to defend his case which is the violation of natural justice and the provisions of the Constitution of India."

2. After some arguments, the learned counsel for the petitioner seeks liberty on behalf of the petitioner to challenge the order dated 30.06.2021 passed by the Superintending Engineer, Building Circle, Building Construction Department, Bhagalpur by filing an appropriate appeal. Liberty, so sought, is granted.

3. It is needless to state that in case appropriate Appeal is filed within a period of two weeks from today, the same shall be considered on merits, without the Appellate Authority being impeded by the issue of limitation and a reasoned and a



speaking order, in accordance with law, shall be passed forthwith.

4. The present writ petition stands disposed off.

(Mohit Kumar Shah, J)

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