

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13376 of 2023

=====

Smt. Sunita Gupta W/o Sri Vikash Siromani, R/o - Flat No. - 106, Kailash Palace, Magistrate Colony, P.S. Rajiv Nagar, District - Patna.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Additional Chief Secretary, Education Department, Govt. of Bihar, Patna.
3. The Director, Secondary Education, Govt. of Bihar, Patna.
4. The Regional Deputy Director of Education, Patna.
5. The District Education Officer, Patna.
6. The District Programme Officer (Estt.), Patna.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr.Rajeev Kumar Singh
For the Respondent/s : Mr.Madhaw Prasad Yadaw (Gp 23)

=====

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL JUDGMENT

Date : 18-03-2024

Heard learned counsel for the petitioner and learned counsel for the State.

2. The present writ application has been filed for the following relief/s:-

“(i) To quash the memo no.1924 dated 28.07.2017 issued by the Director Secondary Education by which charge memo has been issued against the petitioner. A copy of memo no.-1924 dated 28.07.2017 along with memo of charge is annexed as Annexure-1 to the application.

(ii) To quash memo no.465 dated 08.03.18 along with memo of charge, issued by the Director, Secondary Education whereby and where under decision was taken to initiate departmental proceeding against the petitioner under Rule 17(4) of Bihar CCA (Classification, Control and Appeal)



Rules 2005. A copy of memo dated 08.03.18 along with "Praptra Ka" is annexed as Annexure-2 to this application.

(iii) To quash letter no.-1308 dated 11.08.2021 issued by the Director, Secondary Education whereby and where under the second show cause notice on the point of difference from the enquiry report has been issued against the petitioner. A copy of letter no-1308 dated 11.08.2021 is annexed as Annexure-3 to this application.

(iv) To quash the letter contained in memo no.437 dated 08.09.2021 issued by the Director, Secondary Education, Bihar, Patna whereby and where under giving reference to letter no.-1308 dated 11.08.2021, second show-cause notice has been issued to the petitioner. A copy of memo no.-437 dated 08.09.2021 is annexed as Annexure-4 to this application.

(v) To quash memo no.85 dated 29.01.2022 issued by the Director, Secondary Education, Govt. of Bihar, Patna by which petitioner has been dismissed from the post of Deputy Inspectress of School, Danapur, Patna. A copy of memo no.-85 dated 29.01.2022 is annexed as Annexure-5 to this application.

(vi) To quash the order contained in memo no.-873 dated 09.05.2023, issued by the Additional Chief Secretary, Education Department, Bihar, Patna whereby and where under appellate preferred by the petitioner against the order contained in memo no.-85 dated 29.01.2022 has been dismissed on the ground that the petitioner has failed to make out a case for interference. A copy of memo no.-873 dated 09.05.2023 is annexed as Annexure-6 to this application.

(vii) To direct the respondents to pay the arrears of salary to the petitioner for the month of January, 2022 with appropriate statutory interest.

(viii) To direct the respondents to pay the arrears of difference of payment of salary after adding the benefits of 1st, 2nd & 3rd ACP with statutory interest.

And for any other appropriate relief (s) as



per the facts and circumstances of the case.”

3. Learned counsel for the petitioner submits that the petitioner’s case is fully covered by the judgment passed by this Court in C.W.J.C. No.224 of 2024 and analogous cases dated 04.03.2024.
4. Considering the aforesaid facts, since the case of the petitioner stand on similar footing to that of the petitioners of C.W.J.C. No.224 of 2024 and analogous cases, there is no requirement to keep pending the present writ application.
5. Accordingly, this writ application is allowed, in view of the order passed in C.W.J.C. No.224 of 2024 and analogous cases and the Annexures- 5 and 6 i.e. memo no.85 dated 29.01.2022 and memo no.873 dated 09.05.2023 respectively passed by the respondent-Authorities are set aside.
6. The respondent-Authorities shall also consider the consequential benefits of the petitioner, which he is entitled for.

(Anjani Kumar Sharan, J)

pallavi/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	20.03.2024
Transmission Date	N.A.

