

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13594 of 2024

Vandana Kumari Daughter of Shri Sudhir Kumar Sharma, Wife of Shri Anand Kumar, Resident of village - Babu Amouna, Police Station - Daudnagar, District - Aurangabad. At present posted and working as Prakhhand Teacher/In-charge Headmaster in Govt. Upgraded Senior Secondary School Feshara, Block - Rafiganj, District - Aurangabad.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna.
2. The Additional Chief Secretary, Education Department, Govt. of Bihar, Patna.
3. The Director, Primary Education, Govt. of Bihar, Patna.
4. The Director, Secondary Education, Govt. of Bihar, Patna.
5. The District Education Officer, Aurangabad.
6. The District Programme Officer (Establishment), Aurangabad.
7. The Block Development Officer, Rafiganj, Aurangabad.
8. The Block Development Officer-Cum-Secretary, Block Teacher Employment Unit, Rafiganj, Aurangabad.
9. The Block Panchayati Raj Officer, Rafiganj, Aurangabad.
10. The Block Education Officer, Rafiganj, Aurangabad.
11. Mr. Dharmendra Kumar Sharma, Prakhhand Teacher, Govt. Upgraded Senior Secondary School Feshara, Block - Rafiganj, District- Aurangabad.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Umesh Kumar Mishra
For the Respondent/s : Mr. Standing Counsel (3)

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 10-09-2024 1. The present writ application has been filed for quashing the memo no. 829, dated 07.08.2024, issued by the Block Development Officer-cum-Secretary, Block Employment Unit, Rafiganj, Aurangabad, by which the suspension of the private respondent no. 11 has been revoked and the respondent no. 11 has been directed to rejoin the Government Middle



School, Feshara, Rafiganj, Aurangabad. It has further been prayed for a direction to the respondent-authorities to initiate departmental proceeding against respondent no. 11 for the alleged embezzlement.

2. Brief facts of the case is that the petitioner was appointed as Block Teacher vide memo no. 791, dated 16.07.2014, in the Government Middle School, Feshara, Rafiganj, Aurangabad, following which she started discharging her duties.

3. In the year 2022, the Block Education Officer, Rafiganj, Aurangabad, vide its letter no. 622, dated 10.12.2022, directed the ex-incharge Headmaster-respondent no. 11 to hand over the complete charge of the School to the petitioner. In compliance of the aforesaid order, the petitioner has been handed over the charge of In-charge Headmaster of the School.

4. The grievance of the petitioner is that she was handed-over the charge partially for which she wrote to the respondent no. 11 requesting him to hand over the complete charge of the School, but nothing has been done.

5. Subsequently, the District Programme Officer, Aurangabad, vide his letter no. 2396, dated 13.06.2023, suspended the respondent no. 11 for not handing over the



complete charge of the In-charge Headmaster and for violating the direction of the Director, Primary Education, dated 06.12.2012, for not handing over the charge to the senior most teacher of the school with further direction to initiate departmental proceeding against him.

6. Learned counsel for the petitioner submits that subsequently the petitioner went to maternity leave and requested the Block Education Officer, Rafiganj, Aurangabad, to nominate someone else other than respondent no. 11 as temporary In-charge Headmaster.

7. Further, the District Programme Officer (Establishment), Aurangabad, directed for handing over the charge of the School to respondent no. 11, against which, the petitioner filed a representation vide her letter, dated 10.10.2023.

8. The petitioner relied upon the letter, dated 04.12.2023, issued by the Block Education Officer, Rafiganj, Aurangabad, addressed to the District Programme Officer (Establishment), Aurangabad, by which embezzlement of fund related to the School by respondent no. 11 has come to light and in the same letter the Block Education Officer requested the District Programme Officer to initiate disciplinary proceeding



against the respondent no. 11.

9. Consequently, the District Programme Officer (Establishment), Aurangabad, vide his letter, dated 04.12.2023, on the same date suspended respondent no. 11 with immediate effect in contemplation of the departmental proceeding, which has been revoked by impugned order.

10. Learned counsel further submits that inspite of the specific direction by the District Programme Officer (Establishment), Aurangabad, to put the respondent no. 11 under disciplinary proceeding after his suspension, no departmental proceeding has been initiated against him.

11. By the impugned order passed by Block Development Officer-cum-Secretary, Block Appointment Unit, Rafiganj, Aurangabad, the respondent no. 11 has been allowed to rejoin the Government Middle School, Feshara, Rafiganj, Aurangabad, which is improper, unjust and arbitrary and in violation of the clear cut direction to initiate departmental proceeding for embezzlement of fund by private respondent no. 11.

12. Upon hearing the parties, I come to the conclusion that the petitioner is not an aggrieved person and does not have any locus to file the writ for initiating the



departmental proceeding against the respondent no. 11.

13. It is entirely the decision of the employer to initiate disciplinary proceeding against its employees on basis of particular charge and the writ court, normally, cannot compel the respondent-authorities to initiate departmental proceeding.

14. The prayer of the petitioner is based upon the letter of the District Programme Officer (Establishment), Aurangabad, to initiate departmental proceeding against the respondent no. 11 and it is up to District Programmer Officer to take a decision in this regard as per the Rules.

15. The writ application on the behest of the petitioner cannot be entertained, accordingly, the same is dismissed.

(Anil Kumar Sinha, J)

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