

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15927 of 2024

Nitu Singh Wife of Shri Anil Kumar Singh, resident of Ward No. 2, Vidhyapuri, Nagar Parishad Supaul, PO, PS and District Supaul, presently posted as Headmaster, Higher Secondary (plus 2) School, Kishunpur, District-Supaul
... .. Petitioner

Versus

1. The State of Bihar through Additional Chief Secretary, Education Department, Government of Bihar, Patna.
2. Director, Secondary Education, Education Department, Patna.
3. District Magistrate, Supaul.

... .. Respondents

Appearance :

For the Petitioner : Mr. Vindhyachal Singh, Senior Advocate
For the Respondents : Mr.SD Yadav, Addl. Advocate General (9)

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 24-10-2024 Heard learned counsel for the petitioner and the State.

2. Writ petition has been filed for issuance of an appropriate writ in the nature of certiorari or any other writ in similar nature, for quashing the show cause issued to the petitioner under the signature of respondent Director and contained under memo no. 1645 dated 29-08-2024 on the ground that the same is based upon an inquiry report which is thoroughly illegal and false.

3. However, at the outset, learned counsel for the petitioner seeks permission to withdraw this writ petition with liberty to submit the reply to the show cause raising all the issues available with him.

4. Ordinarily, a writ application does not lie against a charge-sheet or show-cause notice for the reason that it does not give rise to any cause of action. It does not amount to an adverse order which affects the right of any party unless the same has been issued by a person having no jurisdiction/competence to do



so. A writ lies when some right of a party is infringed.

5. In view of this settled proposition of law as well as the submission of learned counsel for the petitioner, this writ petition is disposed of with the liberty to the petitioner to submit reply to the show cause raising the points canvassed in the writ petition as well.

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(Prabhat Kumar Singh, J)

