

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18517 of 2024

Binod Kumar Chaudhary Son of Late Sita Ram Chaudhary Resident of Village -Supna, Post office - Azizpur, Police Station Saraiya District-Muzaffarpur At present posted and working as Office Superintendent, Office of District Education Officer, East Champaran, Motihari

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Additional Chief Secretary, Department of Education, Government Bihar, Patna.
3. The Director, Secondary Education, Education Department, Government of Bihar, Patna.
4. The Regional Deputy Director, Tirhut Division, Muzaffarpur.
5. The District Education Officer, East Champaran, Motihari.
6. The District Education Officer, Vaishali, Hajipur

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Rajesh Kumar, Advocate
For the Respondent/s : Standing Counsel (23)

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 05-12-2024 Heard learned counsel appearing on behalf of the petitioner and the learned SC 23 for the State.

2. Learned counsel appearing on behalf of the petitioner seeks to withdraw the present writ petition, in view of relief(s), as prayed for in paragraph no.1 of the present writ petition, which is *inter alia* reproduced hereinafter as follows : -

“i. For issuance of appropriate writ/writs in the nature of certiorari for quashing the order dated 20.02.2019, vide Memo No.310 dated 20.02.2019 (Annexure P/19) issued by the respondent no.4. Regional Deputy Director, Tirhut Division, Muzaffarpur by which four penalties have been imposed against the petitioner.

(a) Only the subsistence allowance for the



suspension period will be payable to the petitioner.

(b) One increment is postponed with cumulative effect.

(c) For non-availability of some files on account of not being received from him/financial irregularities related to withdrawal of amount under the head of office expenditure/as per final decision regarding the penalty determined by the income tax department Mr. Chaudhary is held responsible and will have to pay compensation.

(d) Since the allegation of financial irregularity has been proved, hence the transfer of Mr. Singh from this office is necessary.

ii. For issuance of appropriate writ/writs in the nature of certiorari for quashing the order dated 01.10.2021 vide memo no.1977 dated 01.10.2021 (Annexure P/22) issued by the respondent no.3, Director, Secondary Education, Bihar, Patna by which the order dated 20.02.2019 vide Memo No.310 dated 20.02.2019(Annexure P/19) issued by the respondent no.4 Regional Deputy Director, Tirhut Division, Muzaffarpur has been confirmed rejecting the representation of the petitioner.

iii. For issuance of appropriate writ/writs in the nature of mandamus for a direction to the respondent no.2 the Additional Chief Secretary, Department of Education, Government of Bihar, Patna to allow the representation dated 10.12.2021 (Annexure P/23) and dated 25.08.2024 (Annexure P/24) filed by the petitioner before him in accordance with Rules after quashing the Memo No.310 date 20.02.2019 (Annexure P/19) and Memo No.1977 dated 01.10.2021 (Annexure P.22).

iv. For issuance of appropriate writ/writs in the nature of mandamus for direction to the respondents to make payment of the salary which has not been paid till date without any reason related to the following working period : -

(a) For the period 29.11.2016 to 30.11.2016 while posted in RDDE Office, Tirhut Division, Muzaffarpur.

(b) For the period 03.02.2017 to 14.02.2017 while posted in DEO Office, East Champaran.

(c) For the period 26.07.2017 to 31.07.2017 while



posted in RDDE Office Tirhut Division, Muzaffarpur.

v. For issuance of appropriate writ/writs in the nature of mandamus for direction to the respondents especially to the respondent no.5 the District Education Officer, East Champaran for payment of subsistence allowance of suspension period i.e. from 15.02.2017 to 16.05.2017 and further direction to the respondents to make payment of entire salary of suspension period by adjusting the subsistence allowance after making payment of the same.

vi. It is further prayed to pass such order/orders as your lordship may deem fit and proper in the facts and circumstances of the case.”

3. Learned counsel further submitted that several representations filed by the petitioner are pending before the Additional Chief Secretary, Education Department, Government of Bihar (respondent no.2) and the same are required to be considered in accordance with law.

4. Considering the aforesaid submissions made on behalf of the petitioner, the Additional Chief Secretary, Education Department, Government of Bihar is directed to forthwith consider the representations of the petitioners in accordance with law.

5. The present writ petition is dismissed as withdrawn with the aforesaid liberty to the petitioner.

(Purnendu Singh, J)

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