

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18533 of 2023

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Ritesh Kumar S/o Shri Bhushan Prasad Singh, R/o Village - Parari, P.S. - Noor Sarai, District - Nalanda, at Present posted as Block Teacher Middle School, Parari, Block - Noor Sarai, District - Nalanda.

... .. Petitioner/s

Versus

- 1 . The State of Bihar through the Additional Chief Secretary, General Administration Department, Government of Bihar, Patna.
2. The Additional Chief Secretary, Education Department Government of Bihar, Patna.
- 3 . The Director, Primary Education, Education Department Government of Bihar, Patna.
4. The District Magistrate-Cum-Collector-Cum-Second (2nd) Appellate Authority, Public Complaint/Grievance Redressal Officer, Nalanda, District - Nalanda at Bihar Sharif.
- 5 . The Additional Collector-Cum-First (1st) Appellate Authority, Public Grievance Redressal Officer, Nalanda, District - Nalanda at Bihar Sharif.
6. The District Education Officer, Nalanda, District - Nalanda at Bihar Sharif.
7. The District Programme Officer, Establishment (Education), Nalanda, District - Nalanda at Bihar Sharif.
- 8 . The Sub-Divisional Public Grievance Redressal Officer-Cum-Sub-Divisional Officer, Bihar Sharif, District - Nalanda at Bihar Sharif.
9. The Block Development Officer, Noor Sarai, Block - Noor Sarai, District - Nalanda at Bihar Sharif.
- 10 . The Block Education Officer, Noor Sarai, District - Nalanda at Bihar Sharif.
- 11 . Mr Ashutosh Kumar, the Incharge Headmaster, Government Middle School, Parari, Block - Noor Sarai, District - Nalanda at Bihar Sharif.
12. Mr. Chandramauli Prasad, Ex-Incharge Headmaster, Government Middle School, Parari, Block - Noor Sarai, District - Nalanda, at present working as Incharge Headmaster, Government Primary School Baighnabad, Block - Bihar Sharif, District - Nalanda at Bihar Sharif.
- 13 . Mr. Radhekant Prasad Singh, S/o Late Ram Narayan Singh, R/o villagel - Parari, P.O. - Parari, Block - Noor Sarai, District - Nalanda at Bihar Sharif.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Mrityunjay Kumar , Advocate
For the Respondent/s : Mr. Standing Counsel (15)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 28-11-2024

Heard learned counsel for the parties.



2. The present writ petition has been filed for following reliefs :-

(i) To the order dated 11.08.2023 passed in passed in Miscellaneous Case No. 527110310042302380 (First Appeal) passed by the Additional Collector, Nalanda cum First (1st) Appellate Authority , Poublic Grievance Redressal Officer, Nalanda , District- Nalanda at Bihar Sharif (Respondent No. 5) whereby and whereunder an ex-parte order has been passed for taking action against the petitioner who is working as a Block Teacher at Government Middle School, Parari, Block – Noor Sarai, District – Nalanda at Bihar Sharif, which is an ex-parte order and also without jurisdiction .

(ii) To quash the order dated - 18.11.2023 passed in Second (2nd) Appeal bearing Miscellaneous Case No 527110310042302380/2A, passed by the District Magistrate Cum Second (2nd) Appellate Authority, Public Grievance Redressal Officer, Nalanda at Bihar Sharif, whereby and whereunder, and ex-party order has again been passed without having jurisdiction for taking action against the petitioner for the allegations alleged by the Respondent No – 13 .

(iii) To direct the respondents to consider the show-cause dated 09.11.2023 12.08.2023 and 19.10.2023 (Annexure - 4 and 10) submitted by the petitioner before the Block Education Officer, Noor Sarai and District Programme Officer, Nalanda, District Nalanda at Bihar Sharif and accordingly to take appropriate order in the matter.

3 . At the outset, learned counsel for the petitioner submits that during pendency of the present writ petition , a departmental proceeding has been initiated against the petitioner and the same has been concluded vide office order



contained in Memo No. 965 dated 03.07.2024, i. e., Annexure – P 15 to supplementary affidavit, issued by the Block Development Office – cum – Member Secretary Block Teacher Employment Unit Noorsarai, District Nalanda , whereby and whereunder the petitioner has been punished by with-holding of one yearly increment of pay with non-comulative effects and as such , learned counsel for the petitioner seeks permission to withdraw this writ application granting liberty to him to file fresh application before appropriate forum/authority in accordance with law .

4. Permission is accorded.

5 . Accordingly, this writ application stands disposed of with aforesaid liberty .

(Prabhat Kumar Singh, J)

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