

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8858 of 2021

Prakash Kumar S/o Sri Gopal Prasad Singh Resident of village and P.O. and P.s.- Vaishali (North Tola), District- Vaishali at Hazipur Presently posted as Assistant Teacher in Nationalised Basic School, Kamalpura, P.s.- Paru, District- Muzaffarpur

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Government of Bihar, Patna
2. The Director, Primary Education, Government of Bihar, Patna
3. The Regional Deputy Director of Education, Tirhut Division, Muzaffarpur
4. The District Education Officer, Muzaffarpur, District- Muzaffarpur
5. The District Programme Officer, Establishment (Education) Muzaffarpur, District- Muzaffarpur
6. The Block Development Officer, Paru, District- Muzaffarpur
7. The Block Education Officer, Paru, District- Muzaffarpur
8. The Headmaster of the Nationalised Basic School Kamalpura, District- Muzaffarpur

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Mrityunjay Kumar, Advocate Mr. Mukesh Kumar Singh, Advocate Mr. Arinjay Kumar, Advocate
For the Respondent/s	:	Mr. Kameshwar Kumar, GP 17

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 29-04-2025 Heard Mr. Mrityunjay Kumar along with Mr. Mukesh Kumar Singh and Mr. Arinjay Kumar, learned counsels appearing on behalf of the petitioner and Mr. Kameshwar Kumar, learned GP 17 for the State.

2. Petitioner has *inter alia* prayed for following reliefs
in the paragraphs No.1 of the writ petition:-

“That this is an application for issuance of appropriate writ(s), order(s), direction(s) for quashing of



the Office-order contained in Memo No.734 dated 13.08.2020 (Annexure-13) passed and issued by the Regional Deputy Director of Education, Tirhut Division, Muzaffarpur (Respondent No.3) whereby and whereunder two punishments have been imposed upon the petitioner i.e. (I) withholding of one increment with cumulative effect and (ii) Nothing shall be paid during the period of suspension except he has got as subsistence allowance.

And for stay of the operation of the Office order contained in Memo no.- 734 dated 13.08.2020 (Annexure -13) passed by the Respondent No.-3 during pendency of the writ application.

And/Or

Pass such any other order/orders which your Lordships may deem fit and proper in the facts and circumstances of the case.”

3. Learned counsel appearing on behalf of the petitioner informs that the petitioner was put under suspension vide order contained in Memo No.1834 dated 27.11.2014 passed by the Regional Deputy Director of Education, Tirhut Division, Muzaffarpur and Vide Memo No.1835 dated 27.11.2014 Prapatra Ka was issued. Thereafter, vide the impugned order contained in Memo No.734 dated 13.08.2020, passed by the Regional Deputy Director of Education, Tirhut Division, Muzaffarpur, suspension of the petitioner was revoked, however, a penalty of withholding of one increment with cumulative effect was imposed and only subsistence allowance was allowed to be paid to the petitioner during the period of suspension. Learned counsel further submitted that against the aforesaid order, the petitioner has filed an appeal/application before the Director, Primary Education, Government of Bihar



and also before the Additional Chief Secretary, Education Department, Government of Bihar through registered post on 05.09.2020 but till date, no action has been taken.

4. From the information contained in the writ petition, I find that action has been taken against the petitioner just before few months of the date of his superannuation, on the basis of allegation made by one Smt. Renu Thakur, who was posted at the relevant time as Block Education Officer of Block Paru, Muzaffarpur. Action could have been interfered by this Court, particularly in view of the fact that *Prapatra* “Ka” for the allegation which was levelled against the petitioner, was of the year 2014 and the impugned order is of the year 2020 and for such long delay, the Apex Court has held that action cannot be taken, however, considering the statutory remedy of appeal and also the fact that petitioner has already preferred appeal during the Covid period, which he had sent by registered post, as would appear from Annexure 18 but no order has been passed by the Additional Chief Secretary, the appeal is required to be disposed of forthwith within the statutory period.

5. It is made clear that in view of several SOPs issued by the Central Government, as well as, the State Government which was required to be followed during the Covid period,



without taking any technical plea of delay in preferring the appeal, if the appeal has been not registered in spite of the effort taken by the petitioner immediately soon after the impugned order was passed by sending his appeal through registered post, first the Additional Chief Secretary is required to verify from his records and in case appeal has not been registered then he is required to first notice to the petitioner and request him for filing of fresh memo of appeal before him within any specified period or the petitioner in alternative may approach the Additional Chief Secretary along with memo of appeal to get it registered, if already not registered in his office.

6. The writ petition is, accordingly, disposed of.

7. Interlocutory Application(s), if any, also stands disposed of.

(Purnendu Singh, J)

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