

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5419 of 2025

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Manoj Kumar son of Mithlesh Chaudhary, resident of Village-Danu Bigha,
Police Station-Makhdumpur in the district of Jehanabad.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Education, Government of Bihar, Patna.
2. The Principal Secretary, Department of Education, Government of Bihar, Patna.
3. The Director, Primary Education, Government of Bihar, Patna.
4. The District Education Officer, Jehanabad.
5. The District Programme Officer (Estb.), Jehanabad.
6. The Block Development Officer, Jehanabad.
7. The Block Education Officer, Jehanabad.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Sunil Kumar, Advocate
For the Respondent/s : Standing Counsel (20)

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 07-04-2025 Heard Mr. Sunil Kumar, learned counsel appearing

on behalf of the petitioner and the learned Standing Counsel

No.20 for the State.

2. Petitioner in paragraph no. 1 of the present writ
petition has sought *inter alia* following relief(s), which is
reproduced hereinafter:-

“(I) To quash the Letter contained in Memo No.667 dated 23.11.2024 issued under the signature of District Education Officer, Jehanabad only to the extent by which the salary of the petitioner was withheld from the month of November, 2024 merely on the ground that he is accused in Jehanabad P.S.Case No.757 of 2017.



(II) Also to direct the respondents to make payment of the regular salary to the petitioner due w.e.f. November, 2024.

(III) Also for any other relief/reliefs for which the petitioner is found to be entitled in the eye of law.”

3. Learned counsel appearing on behalf of the petitioner informs that the case of the petitioner is covered by the decision of this Court dated **25.02.2025** passed in **CWJC No.2997 of 2025** in respect of one **Ram Binod Sharma**, who was also a Teacher and against him a Vigilance Case being Jehanabad P.S. Case No.757 of 2017 is pending. Petitioner is also one of the accused persons named in the said Vigilance case (Jehanabad P.S. Case No.757 of 2017) and on the said basis, his salary has been stopped.

4. Learned counsel appearing on behalf of the petitioner informs that the petitioner is also one of the accused being named in the said Vigilance case, he seeks similar relief, which has been granted to the petitioner of **CWJC No.2997 of 2025 (Ram Binod Sharma vs. The State of Bihar & Ors.)**, wherein this Court after relying upon the Apex Court judgment passed in the case of **M.Paul Anthony V. Bharat Gold Mines Ltd.**, reported in **(1991) 3 SCC 679** has held that criminal and departmental proceedings are two independent proceedings.

5. At this stage, a query was made from the learned



State Counsel, as to whether, any departmental proceeding has been initiated against the petitioner and in reply, the learned counsel informs that till date no departmental proceeding has been initiated against the petitioner.

6. In view of the admitted fact that no disciplinary proceeding has been initiated against the petitioner till date, the impugned order contained in Memo No.667 dated 23.11.2024 being passed without following the prescribed procedure is hereby set aside and quashed, in view of the reasons given in detailed order passed in the case of ***Ram Binod Sharma*** (supra).

7. The Director, Primary Education, Bihar is directed to call for the service particulars of the petitioner from the office of the District Programme Officer (Establishment), Jehanabad and release the due amount of salary to the petitioner forthwith from the date the petitioner has not been paid his due salary.

8. The present writ petition is accordingly disposed of.

(Purnendu Singh, J)

Chn/-.

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