

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11313 of 2021

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Ejaz Shoaib Hashmi Son of Syed Mohammad Shoaib Resident of Chitkohra,
P.O.- Anisabad, P.S.- Gardanibagh, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Education, Govt. of Bihar, Patna.
2. The Principal Secretary, Department of Education, Govt. of Bihar, Patna.
3. The Director, Higher Education, Department of Education Government of Bihar, Patna.
4. The Director, Primary Education, Department of Education Government of Bihar, Patna.
5. The Director, Administration-cum-Additional Secretary, Department of Education, Government of Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Advocate
For the Respondent/s : Mr. Madhaw Pd. Yadaw, GP- 23

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

4 17-12-2025 Heard learned counsel for the parties.

2. The petitioner has filed the instant application for
the following reliefs:

“A) For issuing a writ including writ of certiorari and thereby quashing the memo of charge dated 18.10.2016 constituted against the petitioner (and the departmental proceedings drawn in furtherance of the same) as for the alleged misconduct of year 2009 the departmental proceedings have been initiated against the petitioner by constituting Memo of charge in



2016 in which till date no enquiry officer has been appointed.

B) For issuance of writ including writ of mandamus granting all consequential benefit arising out of quashing of memo of charge dated 18.10.2016, including direction for payment of the remaining 10% pension and the entire gratuity to the petitioner as also other post retiral benefit of the petitioner which he has been deprived of owing to the pendency of departmental proceedings drawn in furtherance of the aforementioned memo of charge dated 18.10.2016.

C) For issuing appropriate writ including the writ of mandamus directing to respondent to pay provisional gratuity/gratuity which the petitioner has been illegally deprived of owing to pendency of the departmental proceedings which were never formally initiated in want of appointment of enquiry officer.

D) For issuing appropriate writ including writ of mandamus directing thereby the respondents to grant the petitioner the consequential reliefs including grant of entire arrears of pension as also entire gratuity with appropriate interest thereon.

E) For holding that the



respondents who have not formally started the departmental proceedings in as much as there is no enquiry officer appointed in furtherance of memo of charge dated 18.10.2016 the Respondents cannot proceed with the aforesaid departmental proceeding against the petitioner at much belated stage after his retirement on 31.01.2019.

F) The Hon'ble Court may pass any other order/orders which it may deem fit in the facts and circumstances of the case and within the ends of equity, justice and good conscience.

Photocopy of memo of charge and the communicating letter dated 18.10.2016 are annexed herewith and marked as ANNEXURE-P/1 Series to this writ application.”

3. Mr. Abhishek Kumar, learned counsel for the petitioner seeks permission to withdraw this application.

4. In view of the above, the application is disposed off as withdrawn.

(Partha Sarthy, J)

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