

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6352 of 2022

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1. Ramakant Singh son of Anandi Singh, Resident of Kothar, Fatehpur, Distt.-Gaya, Bihar.
 2. Pallavi Singh Wife of Ranjit Singh, Resident of Jago Niwas Lane, Near P.T.C. More, Motwari, District-Hazaribagh.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Education, Bihar, Patna.
2. The Divisional Commissioner, Magadh Division, Gaya.
3. The Regional Deputy Director of Education, Magadh Division, Patna.
4. The District Education Officer, Gaya.
5. The District Program Officer, Secondary Education, Gaya.
6. The Head Master, Plus 2 Zila School, Gaya.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Prince Kumar Mishra, Advocate

For the State : Mr. Jitendra Kr. Roy 1 (SC-13)

Mr. Jai Prabhat Kishore, AC to SC-13

CORAM: HONOURABLE MR. JUSTICE NANI TAGIA
ORAL ORDER

5 13-05-2025 Heard Mr. Prince Kumar Mishra, learned counsel appearing on behalf of the petitioners and Mr. Jai Prabhat Kishore, learned AC to SC-13 appearing on behalf of the State.

2. The petitioners have put to challenge the letter dated 19.02.2022 (Annexure-P/3 to the writ petition) written by the Divisional Commissioner, Magadh Division,



Gaya (acting as First Appellate Authority) to the Regional Deputy Director of Education, Magadh Division, Gaya under the Bihar Right to Public Grievance Redressal Act, 2015 whereby, the Regional Deputy Director of Education, Magadh Division, Gaya has been directed to take action against the erring officers, who have granted earned leave to the contractual teachers and the letter dated 28.03.2022 (Annexure-P/4 to the writ petition) written by the Regional Deputy Director of Education, Magadh Division, Gaya to the District Education Officer, Gaya whereby, the Regional Deputy Director of Education, Magadh Division, Gaya has directed the District Education Officer, Gaya to take action against the principal and the beneficiary teachers.

3. The respondent No. 4 – the District Education Officer, Gaya, has filed a counter affidavit, wherein, in paragraph no. 18, it has been stated as under:

“18. That in the aforesaid given facts, particularly with regard to the challenge made to the impugned order dated 19.02.2022 (Annexure-P/3), it is most respectfully submitted that the same is not directed against the petitioners rather the same is directed against the concerned officials who had been responsible for



making payment against the period of unauthorized absence and in that view of the matter, the present writ petition prima-facie appears to be a proxy litigation framed at the instance of interested individual with vested interest.

It is further that the impugned order dated 28.03.2022 (Annexure-P/4) passed by the RDDE, Magadh Division directing the District Education Officer, Gaya to take action against the teachers who had been illegally benefited and as such the aforesaid impugned order dated 28.03.2022 is not aimed towards any particular individual.”

4. On perusal of paragraph 18 of the counter affidavit filed by the respondent No. 4 – the District Education Officer, Gaya, it shows that the letter dated 19.02.2022 (Annexure-P/3 to the writ petition) written by the Divisional Commissioner, Magadh Division, Gaya (acting as First Appellate Authority) to the Regional Deputy Director of Education, Magadh Division, Gaya as well as the letter dated 28.03.2022 (Annexure-P/4 to the writ petition) written by the Regional Deputy Director of Education, Magadh Division, Gaya to the District Education Officer, Gaya are not directed against the



petitioners.

5. In view of the categorical averments made in the counter affidavit filed by the respondent no. 4 – the District Education Officer, Gaya that the letters, impugned in the present writ petition, are not directed against the petitioners, I find that the petitioners can have no grievance against the letters impugned in this writ petition (namely Annexure-P/3 and Annexure-P/4)

6. The writ petition, therefore, is hereby disposed of with no consequential order.

(Nani Tagia, J)

Nilmani/-

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