

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12792 of 2021

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Kamal Kumar S/o- Kaushal Kumar R/o- Vill.- Tetia Bamber, Ward No. 8, P.O.
and P.S.- Tetia Bamber, District- Munger.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary Education Department, Govt. of Bihar, Patna.
3. The Director Secondary Education, Govt. of Bihar, Patna.
4. The Regional Deputy Director of Education Munger.
5. The District Education Officer Munger.
6. The District Programme Officer (Estt.) Munger.
7. The Deputy Development Commissioner cum Chief Executive Officer District- Council, Munger.
8. The Block Education Officer Tetia Bamber, Munger.
9. The Principal Middle School, Madhopur, Munger.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Rajeev Kumar Singh, Advocate
		Mr. Gyanendra Kr. Diwakar, Advocate
For the Respondent/s	:	Mrs. Binita Singh, SC 28

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

4 07-08-2025 Heard Mr. Rajeev Kumar Singh along with Mr.

Gyanendra Kr. Diwakar, learned counsels appearing on behalf

of the petitioner and Mrs. Binita Singh, learned Sc 28 for the

State.

2. Petitioner has *inter alia* prayed for following reliefs

in the paragraphs No.1 of the writ petition:-

“(i) To quash the order contained in memo no.1165 dated 25.06.2019 issued by the District Education Officer, Munger, whereby and whereunder petitioner has been demoted to the lowest scale of Basic Grade pay. A copy of memo no.1165 dated 25.06.2019 is annexed as Annexure- 1 to this application.



(ii) To quash the letter no.1851 dated 03.12.2019 issued by the Regional Deputy Director of Education, Munger, whereby and whereunder the appeal of the petitioner against the order dated 25.06.2019 has been rejected on the ground of limitation. A copy of letter no.1851 dated 03.12.2019 is annexed as Annexure -2 to this application.

And for any other appropriate relief(s) as per the facts and circumstances of the case.”

3. I have perused the order contained in Memo No.1851 dated 03.12.2019. The appeal has been rejected on the ground of having been filed on 05.09.2019 beyond the statutory period as prescribed under Rule 15 of Bihar Government Servants (Classification, Control & Appeal) Rules, 2005. The appellate order is dated 03.12.2019. Aggrieved by the said order and the order of punishment passed by the disciplinary authority contained in Memo No.1165 dated 25.06.2019, the petitioner has filed the present writ petition.

4. Without entering into the merits of the case, I find that if the petitioner files limitation petition for condoning the delay in filing the appeal, the same would be in the interest of justice, which the appellate authority is required to consider in accordance with law and to that extent, the order contained in Memo No.1851 dated 03.12.2019, having passed against the principal of natural justice, is hereby set aside and quashed. The appellate authority is required to pass order afresh. In case, it is found that the petitioner has shown sufficient cause for delay,



without being prejudiced by his earlier order dated 03.12.2019,
a reasoned order in accordance with law is required to be
passed.

5. The writ petition stands disposed of.

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

7. There shall be no order as to costs.

(Purnendu Singh, J)

Sanjay/-

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