

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10389 of 2022

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Raj Kumar Singh Son of Munshi Singh, Resident of Village - Dighar, P.O.-
Kolhuan, P.S. - Adhaura, District - Kaimur (Bhabhua).

... .. Petitioner/s

Versus

1. The State of Bihar through the Director, Primary Education, Education Department, Govt. of Bihar, Patna.
2. The District Education Officer, Kaimur (Bhabhua).
3. The District Programme Officer, (Establishment), Kaimur (Bhabhua).
4. The District Programme Officer, Accounts and Planning, Kaimur (Bhabhua).
5. The Block Education Officer, Adhaura, Kaimur (Bhabhua).
6. The Regional Deputy Director (Education), Patna Division, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner	:	Mr. Mithilesh Kumar Upadhyay, Advocate Ms. Tetara Kumari, Advocate
For the State	:	Mr. Jitendra Kumar Roy 1, SC-13 Mr. Bijay Bhushan Prasad, AC to SC-13

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CORAM: HONOURABLE MR. JUSTICE NANI TAGIA
ORAL JUDGMENT

Date : 16-07-2025

1. Heard Mr. Mithilesh Kumar Upadhyay,
learned counsel for the petitioner and learned counsel for
the State.

2. The order put to challenge in this writ petition
is dated 25.10.2013 issued by the District Programme
Officer (Establishment), Kaimur (Bhabhua) by Memo
No.2975 dated 25.10.2013 (Annexure-3 to the writ
petition), whereby the petitioner has been imposed
punishment of stoppage of one increment with cumulative



effect and also by holding that nothing can be paid to the petitioner except subsistence allowance during the suspension period of the petitioner.

3. The ground on which the aforesaid punishment order has been challenged is that the enquiry officer submitted the enquiry report without taking assistance of presenting officer, which was also not handed over to the petitioner and also that the petitioner was not issued second show cause notice before the impugned punishment order has been passed. The petitioner also submits that against the aforesaid impugned order of punishment, an appeal was preferred before the Regional Deputy Director (Education), Patna on 05.03.2022 (Annexure 4 to the writ petition), which was not considered by the Regional Deputy Director (Education), Patna, as a result of which the petitioner had to file this writ petition challenging the impugned punishment order passed by the respondent authorities.

4. Respondent No.3 / The District Programme Officer, (Establishment), Kaimur (Bhabhua) has filed the counter affidavit.



5. In the Counter affidavit filed by the Respondent No.3 / The District Programme Officer, (Establishment), Kaimur (Bhabhua), there is a mention of the application filed by the petitioner on 05.03.2022 before the Regional Deputy Director (Education), Patna Division, Patna challenging the impugned punishment order by stating that the petitioner had filed the said appeal after a long interval.

6. The Regional Deputy Director (Education), Patna Division, Patna has not been impleaded as Respondent in the instant writ petition.

7. Since the Regional Deputy Director (Education), Patna Division, Patna is stated to be the appellate authority in the instant case, the learned counsel for the petitioner is permitted to implead the Regional Deputy Director (Education), Patna Division, Patna as Respondent No.6 by making necessary correction in the cause title of the writ petition in course of the day.

8. In the attending facts and circumstances of the case, the learned advocate for the petitioner as well as the learned State counsel have submitted that since the appeal can be preferred before the Regional Deputy Director



(Education), Patna Division, Patna, this writ petition may be disposed of with a liberty granted to the petitioner to file an appeal before the Regional Deputy Director (Education), Patna Division, Patna challenging the order of punishment dated 25.10.2013.

9. As submitted by both advocates for the parties, this writ petition is hereby disposed of with a liberty granted to the petitioner to file an appeal before the Regional Deputy Director (Education), Patna Division, Patna.

10. As and when such an appeal is filed by the petitioner, the Regional Deputy Director (Education), Patna Division, Patna shall consider and dispose off the appeal filed by the petitioner in accordance with law expeditiously.

11. The writ petition is disposed off with the above directions.

(Nani Tagia, J)

Narendra/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	16.07.2025
Transmission Date	N.A.

