

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11857 of 2024

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Jaynath Yadav Son of Baijnath Prasad Yadav Resident of Village- Milki, P.S.-
Naugachhia, District- Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar Bihar.
2. The Additional Chief Secretary, Human Resources Development
Department, Govt. of Bihar, Patna.
3. The District Education Officer, Bhagalpur.
4. The District Programme Officer (Establishment), Department of Education,
Bhagalpur.
5. The Prakhanda Vikas Padadhikari-cum- the Executive Officer, Panchayat
Samiti Naugachhia, Bhagalpur.
6. The Prakhanda Panchayati Raj Padadhikari, Naugachhia, Bhagalpur-cum- the
Executive Officer, Panchayat Samiti.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Nagendra Kumar Singh, Adv.
For the Respondent/s : Mr. Nalin Vilochan Tiwary, AC to GA9

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 15-02-2025 Heard learned counsel for the petitioner and learned
counsel for the State.

2. The present writ petition has been filed seeking the
following reliefs:

*“(i) For the issuance of an appropriate writ,
order, direction to revoke/quash the order
contained in Memo No.159/Naugachhia dated
12.10.2022 issued under the signature of the
Executive Officer, Panchayat Samiti-cum-
Prakhanda Panchayati Raj Padadhikari,
Naugachhia, Bhagalpur by which and
whereunder the petitioner has been put under
suspension with immediate effect with a
direction to initiate departmental proceeding*



under Bihar Panchayat Elementary Service (Appointment, School Promotion, Transfer, Disciplinary Proceeding and Service Condition) Rule 2020 for the charges that the petitioner in capacity of Incharge Headmaster, Middle School Milki Naugachhia had wrongly verified the transfer certificate of candidates of homeguard by creating forged admission register with vested interest which is out and illegal, bad, out arbitrary unsustainable and in utter violation of the provision of section 18 of Bihar Panchayat Elementary School Service (Appointment, Promotion, Transfer, Disciplinary Proceeding and Service Condition) Rule, 2020.
(ii) For any other relief or relief(s) for which the petitioner is found entitled to in the facts and circumstances of the case.”

3. A counter affidavit has been filed on behalf of the Respondent Nos.3, 4, 5, and 6 in which it is stated, with regard to petitioner's request for revocation of suspension, that the same is being contemplated and is in process and suspension is going to be revoked shortly.

4. Considering the relief(s) prayed by the petitioner, petitioner is granted liberty to file an application before the District Appellate Authority in accordance with law within a period of one month.

5. In the event, such application is filed by the petitioner, the authority concerned is directed to dispose of the same, in accordance with law, after hearing the parties, by a reasoned and speaking order within a period of six months.



6. With the aforesaid observations and directions, this writ application stands disposed of.

7. It goes without saying that if any question of limitation arises before the District Appellate Authority, the same shall be considered, taking into consideration the fact that the petitioner was pursuing the issue before this Court under Article 226 of the Constitution of India.

(Anjani Kumar Sharan, J)

anand/-

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