

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15728 of 2025

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Sangita Sinha W/o Subhash Kumar, Vill- Zero mile Sabour, P.O.-
Bahadurapur, P.S.- Jharkhuria, Dist.- Bhagalpur, Bihar- 813210.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Department of Education, Government of Bihar, Patna.
3. The Director, Primary Education, Bihar, Patna.
4. The Regional Deputy Director of Education, Bhagalpur Division, Bhagalpur.
5. The District Education Officer, Bhagalpur.
6. The School Inspector, Sadar, (West), Bhagalpur.
7. Vikrant Kumar, S/o - Late Shivsankar Prasad, Marwari Patti Fort Road no. 1 Nathnagar, Bhagalpur 812006.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Jitendra Kumar Rai, Advocate
For the Respondent/s : Mr.Jai Prabhat Kishore, AC to SC-13

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 23-09-2025 Heard the parties.

2. The petitioner is aggrieved with the order dated 26.10.2023, passed by the District Programme Officer (Est.), Education Department, Bhagalpur whereby the petitioner has been inflicted with the punishment of withholding of two increments with non-cumulative effect. The appeal preferred by the petitioner before the Regional Deputy Director of Education, Bhagalpur Division, Bhagalpur also came to be negated vide order dated 03.01.2025, copy of which is marked as Annexure-



P/2 and also questioned in the present writ petition.

3. Learned advocate for the petitioner has made various submissions while assailing the impugned orders and submitted that, for the similar allegation, five persons were found responsible, but, surprisingly, only two of them have been put to departmental proceeding and inflicted with the punishment. Others have never been proceeded. It is further contended that the appellate authority has turned down the appeal only on account of delay in filing of the memo. of appeal as the same is found to be beyond the period of limitation.

4. Learned advocate for the State submitted that from the facts it is evident that the appeal has been preferred after a delay of more than a year though Rule 25 of the Bihar Government Servant (Classification, Control and Appeal) Rules, 2005 clearly prescribes 45 days for preferring the appeal.

5. Having considered the submissions set forth by learned advocates appearing for the respective parties and taking a lenient view, this Court, in the interest of justice as also to give *quietus* to the dispute, sets aside the order of the appellate authority-cum-Regional Deputy Director of Education, Bhagalpur Division, Bhagalpur, as contained in Memo. No. 5 dated 03.01.2025 and relegates the matter to him to hear and



dispose of the appeal on its merit.

6. It is expected that the same shall be done preferably within a period of three months after giving notice to all the concerned.

7. The writ petition stands disposed of.

(Harish Kumar, J)

K.C.Jha/-

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