

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17370 of 2022

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Bachcha Prasad Sharma Son of Sri Baldev Prasad Sharma resident of village -
Semra Nizamat, P.O. Bishunpur Patti, P.S. Sahebganj, District - Muzaffarpur.
... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Additional Chief Secretary, Education Department, Government of Bihar, Patna.
3. The Director, Primary Education Education Department, Government of Bihar, Patna.
4. The District Education Officer, Muzaffarpur District - Muzaffarpur.
5. The District Programme Officer (Establishment), Muzaffarpur District - Muzaffarpur.
6. The Block Education Officer, Sahebganj, District - Muzaffarpur.
7. The Mukhiya, Gram Panchayat Raj, Paharpur Manorath, Block - Sahebganj, District - Muzaffarpur.
8. The Panchayat Secretary, Gram Panchayat Raj, Paharpur Manorath, Block - Sahebganj, District - Muzaffarpur.
9. The State Appellate Authority, Education Department, Bihar, Patna through the Chairman.
10. Md. Ali Akbar Son of Md. Ali Hussain, Resident of village - Dariya Chapra, P.O. Bishunpur Patti, P.S. Sahebganj, District - Muzaffarpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Awnish Kumar, Advocate
For the Respondent/s	:	Mr. Madanjeet Kumar (Gp20)
For the Resp. No. 10	:	Mr. Gopal Krishna, Advocate

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CORAM: HONOURABLE MR. JUSTICE NANI TAGIA
ORAL JUDGMENT

Date : 18-06-2025

Heard learned counsel for the petitioner and the State counsel as well as Mr. Gopal Krishna, learned counsel for the respondent No. 10.

2. This writ petition has been filed challenging the order dated 30.10.2022 passed by the State Appellate Authority in O.A.



No. 354 of 2022, whereby, the State Appellate Authority, while setting aside the letter No. 22 dated 13.11.2021, issued by the Panchayat Secretary dismissing the respondent No. 10 / appellant in O.A. No. 354 of 2022 from service, had given liberty to the departmental authority to decide the matter afresh.

3. The petitioner, who was the respondent No. 9 in the O.A. No. 354 of 2022 before the State Appellate Authority, is stated to be a complainant against the present respondent No. 10 / appellant in the O.A. No. 354 of 2022, against whom there was an allegation of defalcation of Government money.

4. This Court by an order dated 21.12.2022 had directed the learned counsel for the petitioner to place judgments to support his contention that he has locus to challenge the order of the State Appellate Authority, whereby, the order of dismissal of the respondent no. 10 in departmental enquiry, was set aside, but the learned counsel for the petitioner has not placed any judgment to support his contention that he has a locus to challenge the order of the State Appellate Authority.

5. Since, the proceeding before the State Appellate Authority in O.A. No. 354 of 2022 was with regard to legality of letter No. 22 dated 13.11.2021, issued by the Panchayat Secretary, whereby, the respondent No. 10 / appellant in the O.A. was



dismissed from service, I am of the view that the petitioner who was a complainant and impleaded as respondent No. 9 in the O.A. will not have an indefeasible right to participate in the departmental proceeding initiated or that may be initiated against the respondent No. 10 herein.

6. Under the circumstances, this writ petition stands disposed of leaving it open for the State authorities to proceed against the respondent No. 10 as may be deemed appropriate in accordance with law.

7. The writ petition as well as all connected Interlocutory Applications stand disposed off.

(Nani Tagia, J)

Siddharth
Sagar/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	18.06.2025
Transmission Date	NA

