

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1359 of 2025

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Sarita Kumari D/o Late Banarsi Singh, Wife of Sri Chandradev Prasad Singh,
Resident of Village - Gangajal Badka Bagicha, P.O. - Pahleja, P.S. - Sonapur,
District Saran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Director, Primary Education, Govt. of Bihar,
New Secretariat, Patna.
2. The Director, Primary Education, Govt. of Bihar, New Secretariat, Patna.
3. The District Education Officer, Saran.
4. The District Programme Officer, (Establishment), Saran.
5. The Block Development Officer, Sonapur, P.O. and P.S. - Sonapur, District-
Saran.
6. The Block Education Officer, Sonapur, P.O. and P.S. - Sonapur, District-
Saran.
7. The Headmaster, Upgraded Middle School, Badka Bagicha, Block and P.S. -
Sonapur, District- Saran.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Bipin Bihari Singh, Advocate
For the Respondent/s : Mr. Nalin Vilochan Tiwary, AC to GA 9

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 28-01-2025 Heard Mr. Bipin Bihari Singh, learned counsel

appearing on behalf of the petitioner and Mr. Nalin Vilochan

Tiwary learned AC to GA 9 for the State.

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

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

*“ That, the present writ petition is for
issuance of an appropriate writ/writs, order/orders,
direction/directions to respondent authorities for
permission to put signature upon Attendance
Register, execute the works attached to post and pay*



salary against the work executed, which remains unpaid/withhold maliciously, arbitrarily and unreasonably despite the several representations preferred for seeking reliefs regarding execution of works without hindrance and for other necessary relief/reliefs on the basis of facts and circumstances of the case as stated, enumerated and discussed hereinafter.”

3. Learned counsel appearing on behalf of the petitioner submitted that petitioner was granted bail in connection with Sonapur P.S. Case No.46 of 2021 by Additional and Sessions Judge, IX, Saran at Chapra *vide* order dated 14.11.2022 and thereafter she submitted representation and gave her joining to the headmaster of the school on 30.11.2022 but the petitioner has been restrained from putting her signature on the attendance register and has also not been allowed to do the teaching work, as a result of which, absentee of the petitioner is not being sent to the concerned Block Education Officer, so that her salary can be released. However, learned counsel submitted that petitioner seeks to file a detailed representation before the District Programme Officer, (Establishment), Saran or the Director, Primary Education, Government of Bihar for considering her case in light of order dated 20.06.2016 passed in LPA No.531 of 2015.

4. *Per contra*, learned counsel appearing on behalf of



the respondents submitted that the petitioner has admitted that she was involved in criminal case of forging her date of birth, for which vigilance case has been instituted, however, the petitioner has given information in paragraph no.12 of the writ petition that she was released on bail. The conduct of the petitioner will adversely affect the environment of the school and the headmaster of the school has rightly not accepted the joining of the petitioner. He further submitted that petitioner has not given information before the appropriate authority; either to the District Education Officer or to the District Programme Officer, (Establishment), Saran in respect of her release from the custody after the bail was granted to her. On this account also, he submitted that the writ petition is premature.

5. Having considered the rival submissions made on behalf of the parties, as well as, the desire of the petitioner that she will file a detailed representation before the District Programme Officer, (Establishment), Saran/the Director, Primary Education, Govt. of Bihar for considering her case in light of order dated 20.06.2016 passed in LPA No.531 of 2015 as the refusal of acceptance of her joining by the headmaster of the school is not justified in absence of any disciplinary proceeding initiated against the petitioner, or any order passed



on the administrative side in this regard, the District Programme Officer, (Establishment), Saran/the Director, Primary Education, Bihar is directed to dispose of the representation of the petitioner by considering the grievance of the petitioner in accordance with law and take a conscious decision, as to whether, the petitioner can be allowed to join the school and function as a teacher after analyzing the facts of the case of the petitioner and the facts which were involved in LPA No.531 of 2015. In case of rejection, he/she should give a definite finding, as to whether, the case of the petitioner differs from the facts of the appellant of LPA No.531 of 2015 expeditiously well within a period of four weeks. In case of failure, the petitioner is at liberty to take appropriate action against the concerned authorities.

6. The writ petition is, accordingly, disposed of.

(Purnendu Singh, J)

Sanjay/-

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