

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1538 of 2025

Amarendra Kumar Son of Late Nageshwar Bhagat Resident of Mohalla-J. P. Nagar, (North of Purnea Court Station),, Police Station-K. Hat, District-Purnea.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Education Department, Government of Bihar, Patna.
2. The Director, Primary Education, Government of Bihar, Patna.
3. That Regional Deputy Director of Education, Purnea Division, Purnea.
4. The District Education Officer, Purnea.
5. The District Programme Officer (Establishment), Purnea.
6. The District Programme Office (Primary Education and Sarva Shiksha Abhiyan) Purnea.
7. The Programme Officer, P.M. Poshan Yojana, Purnea.
8. The Block Education Officer, K.Nagar Purnea.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Pawan Kumar Choudhary
For the respondents		Mr Dhurjati Kumar Prasad, GP 14
		Mr. Girijesh Kumar
		Mr. Akash Andand

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR SINHA
ORAL ORDER

3 31-03-2026 Heard the learned counsel for the petitioner and the learned counsel for the respondent-State.

2. The petitioner, in the present writ application, has prayed for grant of the following reliefs:-

“(i) For issuance of writ in the nature of certiorari for quashing the Memo of Charge contained in Memo No. 132 Purnea, dated 14.01.2023 (Annexure-P/3) and the order imposing punishment as contained in Memo



No. 604 (Est.) Purnea, dated 05.03.2024 (Annexure-P/5) by which the disciplinary authority has found the Charge No. 6 & 7 proved against the petitioner and awarded two punishment i.e. stoppage of three annual increments with noncumulative effects and directed to deposit Rs.7,08,857/- in the account of the school education committee within 15 days.

(ii) For issuance of writ in the nature of certiorari quashing the appellate order contained in Memo No. 397 Purnea, dated 09.07.2024 (Annexure-P/7) by which the appellate authority i.e. the Regional Deputy Director of Education, Purnea has rejected the appeal of the petitioner by affirming the order of punishment contained in Memo No. 604 (Est.) Purnea, dated 05.03.2024 and further directed to recover Rs. 7,16,779/- from the petitioner and to initiate the departmental proceeding afresh.

(iii) For quashing the Memo No. 2159 Dated 08.08.2024 (Annexure-P/8) by which memo of charge has been served upon the petitioner in a fresh departmental proceeding based on the same set of charge.

(iv) For quashing the letter No. 2121 dated 06.08.2024 (Annexure-P/9) by which the disciplinary authority has directed to deposit Rs. 7,08,857//i.e the punishment



awarded at first instance without concluding the subsequent proceeding initiated in compliance of the order of the appellate authority.

(v) For any other relief reliefs for which the petitioner is entitled for in the eye of law.”

(vi) Whether the appellate authority is not playing his role as the post office in case of the petitioner while rejecting the appeal and holding Rs. 7,16,779/- as recoverable.”

3. With the consent of the parties, this writ application is being disposed of to the limited extent of relegating the petitioner to the Appellate Authority i.e. the Regional Deputy Director of Education, Purnea for deciding the appeal of the petitioner afresh.

4. The learned counsel for the petitioner submits that the petitioner had filed an appeal before the Appellate Authority i.e. the Regional Deputy Director of Education, Purnea, by which the petitioner had challenged the order of punishment contained in Memo No. 604 (Est.) Purnea dated 05.03.2024, by which two punishments had been inflicted on the petitioner i.e. stoppage of three annual increments with non-commulative effect and direction to deposit Rs. 7,08,857/- in the account of the School Education Committee within 15 days.



5. The learned counsel for the petitioner submits that the Appellate Authority decided the appeal in an improper manner, without considering the submissions made by the petitioner in the memo of appeal. The order passed by the Appellate Authority is contained in Memo No. 397, Purnea dated 09.07.2024 (Annexure-P/7), which has also been assailed in the present writ application.

6. While assailing the order of the Appellate Authority, the petitioner in paragraph nos. 13, 14 and 15 has specifically stated as follows:-

“13. That the appellate authority in most perfunctory manner, without considering the issue raised by the petitioner has rejected the appeal and directed the District Programme Officer (Establishment) to recover Rs.7,16,779/- from the petitioner within a week and deposit it in the account of School Education Committee. This order has been communicated to all concerned vide Memo No. 397 Purnea, dated 09.07.2024.

14. That from bare perusal of the aforesaid appellate order dated 09.07.2024 it will be evident that in one hand the RDDE Purnea observed that during the course of hearing either the District Education Officer or the District Programme Officer (Establishment),



Purnea was not present nor they have produced any evidence / statement in the proceeding of appeal even after repeated notice. Even though the Appellate Authority has pleased to direct the authority to recover Rs.7,16,779/- immediately. Such type of the decision would go to show that the appellate authority does not apply his judicious mind nor considered the appeal in proper manner and thus the impugned order passed by the Appellate Authority required to be quashed.

15. That it is further humbly submitted that not only recovery of Rs.7,16,779/- rather, the appellate authority has directed to reinstate the departmental proceeding a fresh for the same set of charges which is not permissible at all because there is no such provision in the Bihar CCA Rules, 2005 to pass such type of order under appellate jurisdiction. However the disciplinary authority in compliance of the order dated 09.07.2024 (i.e Annexure-P/5) passed by the appellate authority has framed the fresh memo of charge and served upon the petitioned vide Memo No. 2159 Dated 08.08.2024 directing him to file explanation.”

7. The learned counsel for the respondent-State submits that the respondent-State does not have objection, if the appellate order dated 09.07.2024 (Annexure-P/7) is



quashed and the matter is relegated/remanded back to the Appellate Authority i.e. the Regional Deputy Director of Education, Purnea, to decide the appeal filed by the petitioner afresh.

8. Considering the submissions made by both the parties, this consensual order is being passed, quashing the order of the Appellate Authority contained in Memo No. 397, Purnea dated 09.07.2024 (Annexure-P/7) and the matter is remanded back to the Appellate Authority i.e. the Regional Deputy Director of Education, Purnea to decide the appeal of the petitioner afresh, after giving due and proper opportunity of hearing to the petitioner. The final order, which shall be passed by the Appellate Authority, should be a reasoned and speaking order. While disposing of the appeal of the petitioner, the Appellate Authority is directed to taking into consideration Letter No. 2558 dated 29.10.2013 issued by the Principal Secretary of Education Department, Govt. of Bihar to all the District Programme Officers (MDM), wherein guideline has been given for dealing with the situation at hand.

9. Till such time the appeal is decided afresh by the Appellate Authority i.e. the Regional Deputy Director of Education, Purnea, the punishment order contained in Memo



No. 604 (Est.), Purnea dated 05.03.2024 (Annexure-P/5), shall not be given effect to and will be kept in abeyance.

10. This writ application is disposed of in the aforesaid terms.

11. All pending interlocutory application(s), if any, shall also be deemed to have been disposed of.

(Alok Kumar Sinha, J)

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