

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.5350 of 2026**

Dr. Ajay Kumar @ Ajay Kumar Singh Son of Late Ram Chandra Singh,  
Resident of Village-Andari, Post-Jaitiya, P.S.-Gaurichak, District-Patna, at  
present Resident of Pavitra Path, Maurya Vihar Colony, Transport Nagar,  
Kumhrar, P.S.-Agam Kuan, District-Patna, Pin-800026.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department,  
Government of Bihar, Patna.
2. The Director, Secondary Education, Education Department, Government of  
Bihar, Patna.
3. The Deputy Director, Secondary Education, Education Department,  
Government of Bihar, Patna.
4. The Assistant Director, Secondary Education, Education Department,  
Government of Bihar, Patna.
5. The Regional Deputy Director, Patna Division, Patna.
6. The District Education Officer, Nalanda at Biharsharif.
7. The Head Master, High School Bakaur Islampur, District-Nalanda.

... .. Respondent/s

**Appearance :**

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| For the Petitioner/s | : | Mr. Navin Prasad Singh, Adv.<br>Mr. Narayan Singh, Adv. |
| For the Respondent/s | : | Mr. Additional Advocate General (5)                     |

**CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR SINHA**  
**ORAL ORDER**

2      18-04-2026                      Heard learned counsel for the petitioner and learned  
counsel for the respondents-State.

2. With the consent of the parties the present writ  
application is disposed of at this stage.

3. In the present writ application the petitioner has  
prayed for the grant of following reliefs:

*“(i) For issuance of writ in the  
nature of certiorari for quashing the office  
order of Director, Secondary Education,  
Education Department, Government of*



*Bihar, Patna contained in Memo no.1172 dated 13.06.2019 whereby and whereunder through the departmental proceeding petitioner has been awarded punishment that for the period of suspension he would not be entitled for any additional amount except the subsistence allowance but the period of suspension would be counted for the purpose of pension and further the petitioner would be entitled for the lowest pay-scale (Basic Grade) of Assistant Teacher.*

*(ii) For issuance of mandamus commanding the respondents to restore the office order or Regional Deputy Director, Education, Patna Division vide Letter No.1241 dated 09.10.2004 whereby the petitioner was given promotion in senior scale 6500-200-10,500 w.e.f. 01.01.1996 but the financial benefit arising out of the said promotion would be given from 01.04.1997 or any date after completing 12 years uninterrupted service.*

*(iii) For direction to the respondents to give all consequential benefits with statutory interest to the petitioner.*

*(iv) For any other relief or reliefs, the petitioner is entitled for in the facts and circumstances of the present case.”*

4. After advancing some argument, learned counsel for the petitioner submits that he is prepared to file an appeal before the Additional Chief Secretary, Education Department, Government of Bihar, Patna in terms of Rule-23 & 24 of Bihar Government Servants (Classification, Control, and Appeal) Rules, 2005 challenging the order contained in Memo No.1172



dated 13.06.2019 by which the petitioner has been awarded punishment. He further submits that if such an appeal is filed by the petitioner, the same may be directed to be disposed of within a fixed time frame after giving an opportunity of hearing to the petitioner.

5. To the aforesaid submission made by learned counsel for the petitioner, learned counsel appearing for respondents-State does not have any objection. He, however, submits that the appeal which would be filed by the petitioner may be directed to be decided on the basis of its own merit.

6. Considering the limited nature of prayer made by learned counsel for the petitioner, this writ application is disposed of granting liberty to the petitioner to file an appeal before the Additional Chief Secretary, Education Department, Government of Bihar, Patna within one month from the date of passing of this order. If such an appeal is filed, the same shall be disposed of within a period of six months from the date of receipt of the appeal, after giving an opportunity of hearing to the petitioner. Needless to emphasize that the final order which shall be passed by the Additional Chief Secretary, Education Department, Government of Bihar, Patna should be a reasoned and speaking order.



7. With the aforesaid observation and direction and liberty granted, the present writ application stands disposed of. Pending I.As, if any will be deemed to have been disposed of.

**(Alok Kumar Sinha, J)**

Prakash Narayan

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