

(1998) 09 PAT CK 0023

In the Patna High Court

Case No : C.W.J.C. No. 5666 of 1998 and I.A. No. 8882/98

Raghabendra Narain Singh

APPELLANT

Vs

The State of Bihar and Others

RESPONDENT

Date of Decision : 04-09-1998

Acts Referred:

Citation : (1998) 3 PLJR 445

Hon'ble Judges : A.K. Ganguly, J

Bench : Single Bench

Advocate : Rajendra Kishore, for the Appellant; Prabhakar Singh, for State and S.K. Mishra, Sandip Mishra, Sanjay Kr. Mishra and Nutan Mishra, for the Respondent

Final Decision : Dismissed

Judgement

A.K. Ganguly, J.—Heard learned Counsel for the parties. This is an application which has been filed for vacating the interim order granted by this Court on 23rd July, 1998 of the Petitioner's prayer in connection with I.A. No. 7773 of 1998 filed in this writ petition.

2. The present I.A. No. 8882/98 has been filed by Respondent No. 7. It is not in dispute, and it would appear from para-5 of the writ petition that the Petitioner was continuing as Headmaster in Jal Govind High School, Dighwara, Saran from 15th March, 1971. Now from the said post he was transferred by the order passed in 1995. Challenging the said order a writ petition was filed and the same was numbered as "C.W.J.C. No. 4923 of 1997, and the same was disposed of by a learned Judge of this Court by the order dated 8th April, 1998. While disposing of the said writ petition the learned Judge of this Court passed the following order: -

Taking into consideration the aforesaid statement I direct the Petitioner to file a representation before the authority concerned who will look into the grievance of the Petitioner and will consider the request of the Petitioner to post him in

another school nearer to his home village/town. If the person who has been posted in the school in question (Jai Govind High School Digwara) has not joined as yet, the authority will take step to post another person as Headmaster, The interim order stands vacated. This writ petition is, thus, disposed of.

3. Now, it appears that the present Impugned order which has been challenged In this petition has been passed In terms of the said direction of this Hon''ble court. By the present Impugned Order, the Petitioner has been transferred from Jai Govind High School, Dighwara, Saran to High School, Chakfatabhat, Jandaha, Vaishali. From the cause title, it appears that the Petitioner is the resident of Police station Jandaha, District-Vaishali. Therefore, transfer of the Petitioner has been made in a school which is situated in the same police-station in which the Petitioner is residing. Therefore, this transfer order is passed in terms of the direction of this Hon''ble court. Suprisingly enough, this transfer order has also been challenged by the Petitioner and a stay order has been obtained. This shows that the ?Petitioner is indulging in an abuse of the process of the court. Therefore, the interim order is vacated.

Since this Court is of the opinion that the present filing of the writ petition is also an abuse of the process of the court, therefore, this writ petition is dismissed with cost which is assessed at Rs. 2000/-. The said cost be paid by the Petitioner in favour of the Director, Secondary Education Bihar, Patna within a period of two weeks from today. If the said cost is not paid within the time aforesaid, the said authority is at liberty to realise the same from the Petitioner's salary and other emoluments.