

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6252 of 2014

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Manoj Kumar S/O Sri Rajeshwar Singh Resident Of Village- Kabilpur,
P.S.- Kanti, District- Muzaffarpur, Presently Posted As Clerk, Additional
Primary Health Centre, Panapur, Kariyat, District- Muzaffarpur

.... Petitioner/s

Versus

1. The State Of Bihar
2. The Director-In-Chief, Health Services, Govt. Of Bihar, Patna
3. The Regional Deputy Director, Health Services, Tirhut Division,
Muzaffarpur
4. The Civil Surgeon Cum Chief Medical Officer, Muzaffarpur
5. The Incharge- Medical Officer, Additional Primary Health Centre,
Panapur, Kariyat, District- Muzaffarpur
6. The Incharge- Medical Officer, Additional Primary Health Centre, Aurai,
District- Muzaffarpur

.... Respondent/s

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL JUDGMENT

2 21-07-2015 Heard learned counsel for the parties.

Having regard to the fact that the petitioner has been placed under suspension pending departmental proceeding, this Court is not inclined to interfere merely on the ground of non consideration of the show cause notice and/or its reply. No law of suspension requires issuance of show cause notice and therefore, the order of suspension cannot be faulted on the ground of improper consideration of the show cause notice and/or its reply prior to the order of suspension.

Learned counsel for the State has in fact submitted that the departmental inquiry has already been concluded and final order is likely to be passed.

In that view of the matter, this Court would direct the competent disciplinary authority to pass a final order specially when the petitioner has already been given the copy of the inquiry report and he has also submitted his comment/reaction way back in the month of March-2014. Thus keeping in view that the order of suspension of the petitioner is dated 16.12.2013, the disciplinary authority must pass its final order in the departmental proceeding within a period of three months from the date of receipt of this order.

With the aforementioned observation and direction, this application is disposed of.

(Mihir Kumar Jha, J)

Surendra/-

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