

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13694 of 2015

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Prakash Chandra Mishra

..... Petitioner/s

Versus

The State of Bihar & Ors

..... Respondent/s

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Appearance :
For the Petitioner/s : Mr. Vipin Kumar
For the Respondent/s : Mr. Vivek Prasad- Gp18

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CORAM: HONOURABLE MR. JUSTICE SAMARENDRA PRATAP SINGH
ORAL ORDER

3 14-12-2015 The petitioner prays for setting aside the order of suspension dated 24.11.2014 being violative of sub-rule 7 of Rule 9 of Bihar CCA Rules, 2005 on the ground that no charge memo was served within the statutory period of 90 days.

A counter affidavit has been filed stating that charges has been framed on 6.8.2015 and a regular departmental proceeding has been initiated.

As no charge memo was served within a period of 90 days and no departmental proceeding was initiated within the aforesaid time, the suspension order is not sustainable in law and is accordingly set aside with liberty to the respondents to pass fresh order in accordance with law.

In the result, this writ application is allowed to the extent indicated above.

(Samarendra Pratap Singh, J)

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