

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.22312 of 2014

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Ramesh Shankar S/o Late Dr. Rama Shankar Ravi Resident of village +
Post office - Malahi, P.S. Sursand, District - Sitamarhi

.... Petitioner

Versus

1. The State of Bihar
2. The Director - in - Chief, Health Services, Bihar, Patna
3. The Principal Secretary, Department of Health and Primary Planning,
Bihar, Patna
4. The Regional Deputy Director, Health Services, Tirhut Division,
MUzaffarpur
5. The Regional Deputy Director, Darbhanga Division, Darbhanga
6. The Civil Surgeon, Sitamarhi
7. The Civil Surgeon, Madhubani
8. The Incharge Medical Officer, Primary Health Centre, Bisfi, Madhubani
9. The Incharge Medical Officer, Primary Health Centre, Choraut, Sitamarhi
10. The Incharge Medical Officer, Primary Health Centre, Bathnaha,
Sitamarhi

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Md. Shamimul Hoda

For the Respondent/s : Mr. Aag3-Roy Shivajee Nath

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

2 24-07-2015 Heard learned counsel for the parties.

Having regard to the fact that the petitioner has been placed under order of suspension by the impugned order dated 13.10.2014 and that a departmental proceeding has already been initiated against the petitioner in which the petitioner has not co-operated, this Court is not inclined to interfere with the order of suspension. Nonetheless as the petitioner's suspension is now continuing for a period of nine months, if the petitioner co-operates in the departmental proceeding by appearing before the Enquiry

Officer the departmental proceeding must be brought to an end within a period of six months from the date of receipt of this order.

It goes without saying that if the petitioner does not appear in the departmental proceeding, the Enquiry Officer can still proceed ex-parte against the petitioner and submit his enquiry report, whereafter the disciplinary authority will be under liberty to pass final order, of course after supplying the copy of the enquiry report and following the procedure laid down in the Rules.

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

(Mihir Kumar Jha, J)

surendra/-

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