

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19983 of 2014

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Smt. Kumari Poonam, wife of Dr. Jitendra kumar Deepak, resident of Village/ Mohalla: Nichali, Bazar, P.S: Rajgrih, District: Nalanda.

.... Petitioner

Versus

1. The State of Bihar through the Secretary, Social Welfare Department, Govt. of Bihar, Patna.
2. The Secretary, Social Welfare Department, Government. of Bihar, Patna.
3. The Deputy Secretary, Social Welfare Department, Government. of Bihar, Patna.
4. The Director, Integrated Child Development Scheme (I.C.D.S.), Lakhisarai. null null
5. The District Magistrate, Lakhisarai.
6. The Senior Deputy Collector, Lakhisarai.
7. The District Programme Officer, Lakhisarai.
8. The Sub Divisional Officer, Lakhisarai.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Naresh Prasad

For the Respondent/s : Mr. Gp21- Sanjay Pandey

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CORAM: HONOURABLE MR. JUSTICE SAMARENDRA PRATAP SINGH
ORAL ORDER

3 08-12-2015 The petitioner, who was Child Development Project Officer, Barahiya, was departmentally proceeded vide notification dated 5.11.2014 passed by the Deputy Secretary, Social Welfare Department for illegality committed in selection of Aangan Bari Sevika/Sahaika. By the said notification, she was also put under suspension.

The petitioner has challenged the order of suspension on the ground that her role was selected only for the verification of the certificates which she did to the best of her ability. She next



submits that she was not the lone member of the Selection Committee which consisted of Deputy Collector and A.D.M. rank officer. However, the petitioner has alone been proceeded departmentally and put under suspension.

Counsel for the State submits that the departmental proceeding has already proceeded against the petitioner in which she would be at liberty to put in her defence.

A government employee can be put under suspension if a departmental proceeding has been initiated or contemplated against him or her. Further more, the suspension is not punishment and the aforesaid measure is adopted to ensure free and fair proceeding.

Though, I do not find any reason to interfere with the order of suspension, I see no reason, at the same time, why only the petitioner was picked up and proceeded departmentally as she was alone member of the Selection Committee. The respondent No.2, the Secretary, Social Welfare Department would duly look into this aspect of the matter.

This writ application is disposed of with a direction that if the proceeding is not concluded within a period of three months from the date of receipt/production of a copy of this order, the suspension order of the petitioner would automatically stand

vacated.

It goes without saying that the petitioner would duly cooperate in the disciplinary proceeding.

(Samarendra Pratap Singh, J)

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