

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13588 of 2015

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Dinesh Prasad Dinkar, aged about 55 years, son of Anirudha Poddar, resident of Tiwary Tola, Saharsa, P.S. Saharsa, District Saharsa, presently deputed (under suspension) in the office of District Education Officer, Bhagalpur

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Govt. of Bihar, Patna
2. The Secretary cum Commissioner cum Appellate Authority, Education Department, Govt. of Bihar, Patna
3. The Director, Primary Education, Govt. of Bihar, Patna
4. The District Education Officer (D.E.O.), District Purnea
5. The District Programme Officer (D.P.O.), District Purnea

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Ajoy Kumar Chakraborty

For the Respondent/s : Mr. Amar Nath Deo

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

2 01-09-2015 Heard learned counsel for the parties as with regard to the following relief prayed in this writ application :-

"That this is an application for issuance of writ in the nature of writ of CERTIORARI, MANDAMUS or any other appropriate writ or writs, order or direction commanding the Respondents to allow the petitioner to discharge his official duty at his initial place of posting as Block Education Officer, Sadar Purnea by setting aside the unlawful and arbitrary order of putting the petitioner under suspension with immediate effect by memo no. 493 dated 23.07.2015 (Annexure-6) issued by the Director, Primary Education, Patna in pursuant to letter no. 187 dated 23.07.2015 (Annexure-5) recommended with conscious malafide intention by the D.P.O., Respondent no. 5."

Having regard to the fact that the petitioner has been



placed under suspension under contemplation of a departmental proceeding by an order dated 23.7.2015 and the order in question cannot be held to be either without jurisdiction or malafide, while this Court is not inclined to interfere with the impugned order of suspension it would still direct the Director, Primary Education to ensure that in keeping with the provision of Rule 9(7) of the Bihar Government Servant (Classification, Control and Appeal) Rules, 2005 the memo of charge is served on the petitioner within a period of three months from the date of his suspension. As the order of suspension against the petitioner was passed on 23.7.2015 the respondents therefore would be under obligation to issue memo of charge to the petitioner on or before 22.10.2015.

In the event the memo of charge is issued against the petitioner on or before 22.10.2015 it will be also necessary for the petitioner to file his written statement of defence within a period of one month from the date of service of charge sheet so that the departmental proceeding against the petitioner is also concluded expeditiously and preferably within a period of nine months from the date of filing of written statement by the petitioner.

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

Surendra/-

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(Mihir Kumar Jha, J)