

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9046 of 2015

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Avinash Kumar Mishra son of Late Harendra Prasad Mishra Resident of Mohalla - Chakbasu, P.O. Ramna, P.S. Mithanpura, District - Muzaffarpur, presently Clerk (under Suspension) in the office of District Programme Officer (Establishment), Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Education Department, Government of Bihar, Patna.
3. The Director, Primary Education, Education Department, Government of Bihar, Patna.
4. The Regional Deputy Director of Education, Tirhut Division, Muzaffarpur.
5. The District Education Officer, Muzaffarpur, District - Muzaffarpur.
6. The District Programme Officer (Establishment), Muzaffarpur, District - Muzaffarpur.

.... Respondent/s

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Appearance :

For the Petitioner/s :

For the Respondent/s : Mr. Ram Balak Mahto A.G.

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

2 24-07-2015 No one appears for the petitioner.

Learned counsel for the State is present.

From the reading of the impugned order of suspension dated 10.06.2015, which has been passed by the competent authority namely, R.D.D.E., Muzaffarpur being the cadre controlling authority under 1974 Ministerial Employee Rules, this Court will find no error in the order of suspension.



As a matter of fact, the District Education Officer has already framed memo of charge on 06.07.2015, well within 90 days and therefore, this Court would direct the competent authority to ensure that the memo of charge against the petitioner if not already issued, must be served on the petitioner within a period of 15 days from the date of receipt of this order at the place of headquarters fixed under the order of suspension.

Depending on the stand taken by the petitioner in the written statement of defence, the departmental inquiry shall be conducted and the inquiry should also be conducted expeditiously preferably within a period of four months from the date of filing of written statement by the petitioner. It is made clear that if the petitioner does not co-operate in the proceeding the inquiry officer will be at liberty to proceed ex parte against the petitioner. The disciplinary authority thereafter having served a copy of the inquiry report upon the petitioner

would pass its final order within a period of two months from the date of receipt of the reply of the petitioner to the show cause notice enclosing inquiry report.

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

(Mihir Kumar Jha, J)

surendra/-

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