

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7952 of 2015

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Arun Kumar. Son of Ram Kailash Rai. Resident of Village - Parariya, P.S.-
Sonbarsa, District - Sitamarhi.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Director, Primary Education, Bihar, Patna.
3. The District Magistrate, Sitamarhi.
4. The District Education Officer, Sitamarhi.
5. The District Programme Officer, Sitamarhi.
6. The Block Education Officer, Riga, Dist.- Sitamarhi.
7. The Drawing & Disbursing Officer, Primary School, Sonbarsa, Dist.-
Sitamarhi.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Surendra Kishore Thakur, Adv

For the Respondent/s : Mr. Ritesh Kumar- SC33

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL JUDGMENT

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

Having regard to the fact that the petitioner is aggrieved by the order of his suspension dated 27.03.2015, on account of his being accused in a criminal case relating to misappropriation of the Government fund for dress allowance, amount of scholarship and the building fund, this Court is not inclined to interfere with the order of suspension which otherwise is absolutely in keeping with the requirement of the Rules.

Since, the order of suspension against petitioner is dated 27.03.2015, the competent authority is directed to consider as to whether there would be requirement of initiating a departmental proceeding notwithstanding pendency of the criminal case and if it is decided that the departmental proceeding has to be held, the memo of charge be also issued to the petitioner within a period of two months from the date of receipt of this order.

Alternatively the competent authority can wait for the result of the criminal proceeding by keeping the order of suspension subject to the result of the criminal case by passing an appropriate order within the same period of two months.

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

(Mihir Kumar Jha, J)

surendra/-

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