

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6566 of 2015

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Ramesh Kumar Son of Late Bishnudeo Yadav, Resident of Village - Mohanpur, Ward NO. 26, P.S. - Jamalpur, P.O. - Jamalpur, District - Munger (Bihar) Ex-Head Master - in - Charge, Govt. High School, Fulka, block - Dharhara, Jamalpur, Munger.

.... Petitioner/s

Versus

1. The State of Bihar, through the Secretary, Secondary Education (Human Resources), Govt. of Bihar, Patna.
2. The Director, Secondary Education, Govt. of Bihar, Patna.
3. The Assistant Director, Secondary Education, Govt. of Bihar, Patna.
4. The Regional Deputy Director, Munger Division, Munger, Cum Enquiry Officer, Departmental Proceeding.
5. The District Collector, Munger.
6. The District Programme Officer (Establishment) Munger, Cum Presenting Officer, Departmental Proceeding.
7. The District Education Officer, Munger.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shashi Nath Jha, Adv.

For the Respondent/s : Mr. Roy Shivajee Nath, AAG3

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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 suspension and departmental proceeding also has been initiated against him wherein the Regional Deputy Director of the Education, Munger has been made enquiry officer, this Court would deem it expedient in the ends of justice to direct the Enquiry Officer to conclude the enquiry against the petitioner within a period of four months from the date of receipt of this order and if the petitioner does not cooperate in such proceeding,

the aforesaid enquiry will be concluded ex-parte.

After the enquiry officer submits his report, the Director, Secondary Education shall pass his final order within a maximum period of two months from the date of the receipt of the show-cause reply filed by the petitioner against the findings in the enquiry report.

The grievance as with regard to the non-payment of the subsistence allowance shall also be looked into by the competent authority and if it is found that the petitioner has remained present in the Headquarter fixed under the order of suspension, the subsistence allowance should paid forthwith. It goes without saying that if the petitioner had not remained present in the Headquarter fixed under the period of suspension, he will not be entitled for such subsistence allowance till he report in the Headquarter and, in that event, his subsistence allowance shall be paid for the period he is found to be present in the Headquarter during the period of suspension. In the event of denial of payment of subsistence allowance, the competent authority also will be under obligation to pass an order giving reason for such denial within a period of one month from the date of filing of the representation by the petitioner including a copy of this order.

With the aforementioned observation and direction, this

application is disposed of.

(Mihir Kumar Jha, J)

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