

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.18611 of 2015

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1. Ram Kamakhya Singh Son of Late Janak Singh R/o Mohalla - Chhatauni Bazar,
P.S. - Chhatauni, Dist. - East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Principal Secretary, Department of Education, Bihar, Patna.
3. The Collector of East Champaran.
4. The District Education Officer, East Champaran at Motihari.
5. The District Programme Officer (Establishment) East Champaran, Motihari.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Anshuman Singh, Adv.

For the Respondent/s : Mr. Lokesh Kumar Singh, A.C. to SC29

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 30-09-2016

Heard Mr. Anshuman Singh, learned counsel for the petitioner
and Mr. Lokesh Kumar Singh learned A.C. to AAG 13 for the State.

The petitioner is aggrieved by the order bearing Memo No.
2036 dated 12.10.2015 whereby he was put under suspension, a copy
of which is impugned at Annexure-7. The writ petition was filed on
3.12.2015 and 5 months thereafter that the chargesheet was issued
vide Memo No. 761 dated 11.5.2016 and which has been placed on
record vide Annexure-2 to interlocutory application bearing
I.A.No.7801 of 2016.

Mr. Anshuman Singh learned counsel for the petitioner while
questioning the suspension order on merits has also questioned the

same in the background of the statutory provisions underlying Rule 9(7) of the Bihar Government (Classification, Control and Appeal) Rules 2005 (hereinafter referred to as ‘the Rules’) to submit that the charge having not been framed within three months of the suspension order, it stands revoked. In my opinion, the suspension order neither satisfies Rule 9(1) of ‘the Rules’ for the suspension order neither contemplates initiation of any departmental proceeding nor on the said date any disciplinary proceeding was pending. The suspension order is also not sustainable in view of the Rule 9(7) of ‘the Rules’, since the chargesheet was issued only on 11.5.2016 and thus by operation of Rule 9(7), the order of suspension stood revoked on expiry of 3 months from the date of passing of the suspension order on 12.10.2015.

For the reasons aforementioned, the order of suspension bearing Memo No. 2036 dated 12.10.2015 impugned at Annexure-7 cannot be upheld and is accordingly quashed and set aside. The writ petition is allowed. I.A. No. 7801 of 2016 stands disposed of.

Bibhash/-

(Jyoti Saran, J)

AFR/NAFR	
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