

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19685 of 2015

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1. Raja Ram Singh, S/o Sri Bal Ram Singh, Resident of Village- Maheshwara,
P.O.- Bhatoura, P.S.- Hathouri, District- Samastipur.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Revenue and Land Reforms, Government of Bihar, Old Secretariat, Patna.
2. The Under Secretary, Department of Revenue and Land Reforms, Government of Bihar, Old Secretariat, Patna.
3. The Principal Secretary, Department of Co-operative, Government of Bihar, Vikash Bhawan, Bailey Road, Patna.
4. The Registrar, Co-operative Societies, Department of Co-operative, Government of Bihar, Vikash Bhawan, Bailey Road, Patna.
5. The Additional Registrar, Co-operative Societies, Department of Co-operative, Government of Bihar, Vikash Bhawan, Bailey Road, Patna.
6. The District Magistrate, Sitamarhi.
7. The Additional District Magistrate, Sitamarhi.
8. The Sub-Divisional Magistrate, Sitamarhi.
9. The Circle Officer, Parihar, District- Sitamarhi.
10. The District Magistrate, Darbhanga
11. The District Co-operative Officer, Muzaffarpur.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Purshottam Kumar Jha, Adv.

For the Respondent/s : Mr. Sushil Kumar, GP22

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 25-11-2016

Heard Mr. Purshottam Kumar Jha, learned counsel for the petitioner and Mr. Sushil Kumar, G.P.22 for the State.

The petitioner is aggrieved by the order of suspension bearing memo No.5545 dated 25.9.2014 passed by the Registrar, Cooperative Societies, Bihar, Patna. The issues raised by Mr. Jha to question the suspension order is that it is not in tune with the provisions underlying Rule 9(1)(a) of the Bihar Government Servant (Classification, Control and Appeal) Rules, 2005 (hereinafter referred as 'the Rules') and that

the suspension has continued for more than 2 years but with no end to departmental proceeding.

I have heard leaned counsel for the parties an I have perused the records.

The writ petition is fit to be allowed on the first issue raised by Mr. Jha inasmuch as the order of suspension does not satisfy the requirements present at Rule 9(1)(a) of ‘the Rules’ which inter alia provides that suspension order can be passed where a departmental proceeding is contemplated or is pending. Neither of the two situations are discussed in the order of suspension rather it is simply proceeding on the allegations that the order of suspension has been passed.

The order of suspension dated 25.9.2014 thus not being in consonance with the provisions underlying Rule 9(1)(a) of ‘the Rules’, cannot be upheld and is accordingly quashed and set aside.

The writ petition is allowed.

Bibhash/-

(Jyoti Saran, J)

AFR/NAFR	
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