

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5075 of 2016

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Arjun Prasad Singh, Son of Late Jagroop Singh, Resident of Village- Rame,
P.O- Kahuwara, P.S.- Nardiganj, District- Nawada.

.... Petitioner/s

Versus

1. The State of Bihar, through the Principal Secretary, Education Department, Government of Bihar, Patna.
2. The Director, Primary Education, Government of Bihar, Patna.
3. The Regional Deputy Director, Magadh Division, Gaya.
4. The District Magistrate, Nawada.
5. The District Programme Officer (Establishment), Nawada.
6. The District Education Officer, Nawada.
7. The Block Development Officer, Mescaur, Nawada.
8. The Block Education Officer, Mescaur, Nawada.
9. Lala Prasad, Son of Late Bhuvneshwar Yadav, Resident of Village- Rame, P.O- Kahuwara, P.S- Nardiganj, District- Nawada.
10. Purushottam Pandey, son of not known to the petitioner, resident of Village- Barat, P.O.- Sarai, P.S.- Sitamarhi, District- Nawada.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Smt. Shashi Priya Pathak

For the Respondent/s : Mr. Anil Kumar, GP-23

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CORAM: HONOURABLE MR. JUSTICE SAMARENDRA PRATAP SINGH
ORAL ORDER

3 28-06-2016 Heard counsel for the petitioner and learned counsel
appearing for the State.

Petitioner was Headmaster of Middle School, Mescaur, Nawada. He is seeking quashing of the order, dated 27.01.2016, passed by Respondent No. 6, as according to him, the same is in violation of the provisions contained in Sub-rule 7 of Rule 9 of the Bihar CCA Rules, 2005. The petitioner submits that more than five months have passed and till date no charge-sheet has been filed by the respondent and as such, the impugned order of suspension is not sustainable under Sub-rule 7 of Rule 9 of the

Bihar CCA Rules, 2005.

This court is unaware of the factual aspect as to whether charge-sheet has been filed or not.

It is relevant to state here that sub-rule 7 of Rule 9 mandate that charge-sheet must be submitted within three months from the date of issuance of suspension order, otherwise, the same would stand automatically revoked, unless the authority, which issued the suspension order, passes the order renewing the suspension alongwith reasons to be recorded in writing for the delay in framing of charge-sheet. In order to ascertain the same, time was already granted on 05.05.2016.

In the facts and circumstances of the case, this Court does not see any reason for keeping the writ application pending. Accordingly, the writ application is disposed of with the following observations:-

If no charge-sheet has been filed, the order of suspension would stand automatically revoked, in terms of sub-rule 7 of Rule 9, with liberty to pass fresh order in accordance with law.

The writ application is, accordingly, disposed of.

(Samarendra Pratap Singh, J)

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