

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.14116 of 2016

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Bhuvaneshwar Prasad Srivastava, Son of Late Ram Lakhan Prasad, resident of
Village - Damodarpur, P.S. - Malahi, District - East Champaran at Motihari.

.... Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Health Department, Govt. of Bihar, Patna.
2. The Director in Chief, Health Services Govt. of Bihar, Patna.
3. The Regional Deputy Director, Tirhut Commissioner, Muzaffarpur.
4. The Civil Surgeon, East Champaran at Motihari.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Mithilesh Kumar Upadhyay, Adv.

For the Respondent/s : Mr. Nagendra Pd. Yadav, SC-23
Mr. Sudhir Kumar Singh, AC to SC-23.

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 19-05-2017

Heard Mr. Mithilesh Kumar Upadhyay, learned counsel
appearing for the petitioner and Mr. Sudhir Kumar Singh, learned
Assisting Counsel to Standing Counsel No.23 for the State.

Mr. Upadhyay, learned counsel appearing for the petitioner
fairly admits that the petitioner has superannuated which renders the
issue academic for the present. He further submits that though the
disciplinary proceeding has been initiated against the petitioner but it
was not concluded until the retirement of the petitioner.

I have heard learned counsel for the parties and I have
perused the records.

While the writ petition was filed for twin reliefs i.e. for
quashing the suspension order as well as the departmental



proceeding, in my opinion, by the superannuation of the petitioner, the issue of suspension, for the present and until such time that an order is passed causing prejudice to the petitioner has been rendered academic.

In so far as the departmental proceeding is concerned, this Court is not persuaded to interfere therewith for it is entirely within the domain of the Disciplinary Authority whether or not to continue with the disciplinary proceeding post superannuation and considering the stage at which the present matter stands the Disciplinary Authority would be well advised to take a final decision on the pending proceeding within a period of three months from the date of receipt/production of a copy of this judgment.

The writ petition is disposed of accordingly.

(Jyoti Saran, J)

SKPathak/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	26-05-2017
Transmission Date	NA

