

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.5186 of 2017**

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Makeshwar Sharma @ Mukeshwar Sharma, Son of Late Bechu Sharma,  
Resident of Village-Moriawan, P.O.-Datiyana, P.S.-Vikram, District-Patna.

... .. Petitioner/s

Versus

1. The State of Bihar, through the Principal Secretary, Education Department, Government of Bihar, Patna.
2. The Director, Primary Education, Department of Education, Bihar, Patna.
3. The District magistrate, Nalanda.
4. The District Education, Officer, Nalanda

... .. Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Ranjeet Kumar  
For the Respondent/s : Mr. ASHUTOSH RANJAN PANDEY-AAG15

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**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH**

ORAL ORDER

2      14-09-2017              Heard learned counsel for the parties.

The petitioner challenges an order, dated 31.01.2017, issued by the Director, Primary Education, Government of Bihar, whereby he has been put under suspension with effect from 26.10.2016, the same being the date of his arrest in a criminal case.

The impugned order does not require any interference since it is by operation of Rule 9(2) of the Bihar Government Servant (Classification, Control and Appeal) Rules, 2005.

Learned counsel for the petitioner has submitted that the petitioner has now been released on bail and there is no satisfactory progress in criminal case and, therefore, he should



be reinstated. It also appears that a departmental proceeding has been initiated against him and the enquiry Officer has already submitted his report. However, no final order has been passed on the enquiry report.

Without interfering with the impugned order, I dispose of the application with an observation that the petitioner shall be at liberty to apply before the disciplinary authority, seeking revocation of the order of suspension. If he does so, the disciplinary authority should consider such request and take a final decision within a reasonable time.

So far as the disciplinary proceeding is concerned, I see no reason why it should remain pending after submission of the report by the Inquiry Officer. I accordingly, direct the Director, Primary Education, Government of Bihar to ensure that final order is passed in the disciplinary proceeding initiated against the petitioner within a period of two months from the date of receipt/production of a copy of this order.

This application stands disposed of accordingly.

**(Chakradhari Sharan Singh, J)**

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