

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.2167 of 2017

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Gopal Krishnan, Son of Sri Ram Charan Prasad, Resident of Mohalla-Srinagar Hata, P.S.-K.Hat. District-Purnea.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Rural Development Department, Bihar, Patna.
2. The Chief Secretary, Bihar, Patna.
3. The Secretary, Rural Development Department, Bihar, Patna.
4. The Deputy Secretary, Rural Development Department, Bihar, Patna.
5. The Collector-Cum-District Magistrate, Supaul.
6. Md. Nadimul Gaffar Siddiqui. the Sub-Divisional Officer, Supaul Sadar.
7. The Additional District Magistrate, Aapda (Disaster Management), Supaul.
8. Mr. Yaduvansh Kumar Yadav, Member of Legislative Assembly (M.L.A) of Pipra Constituency as Well as Chairman, Internal Resources, Bihar Legislative Assembly Residing at-Kishanpur Bazar (Supaul).
9. Mr. Bijay Kumar, Prakhanda Pramukh, Resident of the House of Mr. Yaduvansh Kumar Yadav, M.L.A. at Kishanpur Bazar (Supaul).
10. Mr. Birendra Kumar Block Development Officer, Saraighat-Bhaptiyahi, (Supaul).

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shailendra Kumar Verma, Adv.
For the State : Mr. Harish Kumar-GP8

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL JUDGMENT & ORDER

Date : 05-09-2017



The petitioner is aggrieved by an order, dated 13.01.2017, issued by the Rural Development Department, Govt. of Bihar, whereby, he has been put under suspension during the pendency of a disciplinary action initiated against him, in exercise of power under Rule 9(1) (c) of the Bihar Government Servants (Classification, Control and Appeal) Rules, 2005.

2. This is not in dispute that charge has been framed against the petitioner as has been indicated in the notification itself.

3. The petitioner has assailed the impugned order, on the ground of same being *mala fide*. It is the case of the petitioner that action of putting him under suspension and disciplinary proceeding has been taken, because he had taken action against an MLA, Mr. Yaduvansh Kumar Yadav, who has been impleaded as respondent No. 8 in the present application. It is the case of the petitioner that since he had been taking action for removal of encroachment, caused by the said respondent No. 8, he has been put under suspension and disciplinary proceeding has been initiated against him.

4. Learned counsel, appearing on behalf of the petitioner, has submitted that the impugned order has been issued at the dictates of said respondent No. 8. To substantiate his stand, he has drawn my attention to Annexure-12 to this writ application, which is



extract from a file maintained by the Rural Development Department.

5. I have perused the said file nothings, which have been brought on record by way of Annexure-12 to this writ application. It refers to a complaint made by said Mr. Yaduvansh Kumar Yadav (respondent No. 8) against the petitioner. However, it is noticed that the said complaint, made by the MLA against the petitioner, was directed to be sent to the District Magistrate, seeking a report on such complaint. It is not that merely, on the basis of said complaint of the MLA, the disciplinary action has been initiated against the petitioner. The impugned order, therefore, does not require interference.

6. This application has no merit and is, accordingly, dismissed.

7. Before I part with, I must record that it is not known as to how the petitioner is in possession of the notings in the file, which has been brought on record by way of Annexure-12 to this writ application. The Principal Secretary, Rural Development Department, Govt. of Bihar, will be at liberty to inquire as to how the petitioner got hold of the said notings. If the said notings have been made available to the petitioner in course of departmental proceeding or otherwise, the matter may be different, but if the



petitioner is found to have illegally procured the same, the
Principal Secretary shall be at liberty to initiate proceeding against
him for that also.

(Chakradhari Sharan Singh, J)

Praveen-II/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	06.09.2017
Transmission Date	N/A

