

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

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Khurshid Alam, S/o Late Quamaruddin, resident of Mohalla - Moghalpura,
P.S. Sasaram, District - Rohtas at Sasaram

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department,
Government of Bihar, Patna
2. The Secretary, Education Department, Govt. of Bihar, Patna
3. The Director (Administration) - Cum - Additional Secretary, Education
Department, Govt. of Bihar, Patna
4. The Director, Mass Education, Education Department, Govt. of Bihar, Patna

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. P.K. Shahi, Sr. Advocate with Mr. Rajeev Lochan
For the Respondent/s	:	SMT.BINITA SINGH-SC-28 with Mr. Vivek Anand Amitesh, AC to SC-28

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

ORAL ORDER

3 14-09-2017 Heard learned counsel for the parties.

The petitioner by the impugned order, dated 27.01.2017,
has been put under suspension during the pendency of
disciplinary proceeding against him, which is under challenge in
the present writ application.

There are two grounds mentioned in the order of
suspension. Firstly, that the petitioner while functioning as
District Mass Education Officer, Khagaria, obstructed
implementation of an order of transfer in respect of Anil Kumar
Sinha by not relieving him to join the transferred post at
Bhabua. Six years after the said transfer of Anil Kumar Sinha,



when the petitioner became Incharge Director Mass Education, Government of Bihar, he stayed the transfer of said Anil Kumar Sinha and thus, allowed him to remain at Khagaria.

Learned Senior counsel appearing on behalf of the petitioner has submitted that when the order of transfer was issued in respect of said Anil Kumar Sinha, the petitioner was not holding the charge of the District Mass Education Officer as mentioned in the impugned order of suspension.

He has referred to statement made in the counter affidavit to the effect that the petitioner had not implemented second order of transfer also in respect of said Anil Kumar Sinha by not relieving him. He submits that there was no second order of transfer in respect of Anil Kumar Sinha and the statement made in the counter affidavit to that effect is incorrect. In the supplementary counter affidavit filed on behalf of the State of Bihar, a plea has been taken that the statement in respect to second transfer has been wrongly and inadvertently made.

From the impugned order itself, it is evident that charge against the petitioner was framed as back as on 01.10.2015, for the departmental enquiry. It is difficult to understand as to what compelled the disciplinary authority to issue an order of suspension more than year after initiation of departmental



enquiry. There is no clue as to why the disciplinary proceeding is pending now for nearly two years.

Considering the specific plea taken on behalf of the petitioner that he was not working as Mass Education Officer on the relevant date and the fact that the disciplinary proceeding is pending since 01.10.2015, I direct the Director (Administration)-cum-Additional Secretary, Education Department, Government of Bihar to consider reviewing the order of suspension within a period of one month from the date of receipt/production of a copy of this order. I also direct the disciplinary authority to conclude the departmental proceeding within a period of three 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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