

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.18563 of 2016

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Dayanand Paswan S/o Sone lal Paswan, resident at Mukti Middle School, Tilka Manjhi, P.S. Tilkamanjhi, District- Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar, through the Principal Secretary, Human Resources Development Department, Govt. of Bihar, Patna.
2. The Director, Primary Education, Govt. of Bihar, Patna.
3. The Regional Deputy Director of Education, Bhagalpur, District- Bhagalpur.
4. The District Education officer, Bhagalpur, District- Bhagalpur.
5. The District Programme Officer (Estb.) Bhagalpur, District- Bhagalpur.

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Shardanand Mishra with Mr. Dhananjay Kumar Gupta, Advocates
For the State	:	Mr. Manish Dhari Singh, AC to AG

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 07-09-2017

Heard Learned counsel for the petitioner and State.

2. The petitioner has moved the Court for setting aside of order dated 20.10.2016 by which he has been placed under suspension.

3. Learned counsel for the petitioner submitted that suspension is continuing without departmental proceeding being concluded. Learned counsel further submitted that charges had to be served on the petitioner within 90 days but the same has not been done and thus the suspension is bad in law.

4. Learned counsel for the State, on the basis of



telephonic instructions received by him, submitted that memo of charges have been framed by letter No. 1241 dated 13.12.2016. However, with regard to the stage of the departmental proceeding, he has no instructions.

5. The Court, after considering the submissions, in view of charges having been served, is not inclined to consider such point in its prerogative, extraordinary and discretionary jurisdiction under Article 226 of the Constitution of India.

6. Having considered the aforesaid, the writ petition stands disposed off with a direction to the respondent no. 5 to ensure that the departmental proceeding against the petitioner, if not already concluded, be taken to its logical conclusion within three months from the date of production of a copy of this order before him.

7. The Court would only observe that if the petitioner does not cooperate either in the enquiry or at the subsequent stage, the authority shall be at liberty to proceed in accordance with law without giving any undue indulgence to the petitioner.

(Ahsanuddin Amanullah, J)

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