

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.650 of 2015

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1. Anil Kumar Shrivastava Son of Nirsu Narayan Shrivastava, Resident of Village Bande, P.S. - Amnour, District - Saran at Chapra at present working as District Programme Officer, Munger, P.O. + P.S. + District - Munger.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Principal Secretary, Education Department, Government of Bihar, New Secretariat, Patna.
3. The Director (Administration)-cum-Additional Secretary, Education Department, Government of Bihar, New Secretariat, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rajesh Kumar Sharma, Adv.
Mr. Bipin Bihari Singh, Adv.
For the Respondent/s : Dr. Anshuman, Adv.

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 23-05-2017

Heard Mr. Rajesh Kumar Sharma, learned counsel who appears on instructions of Mr. Bipin Bihari Singh, learned counsel for the petitioner. There is no representation on behalf of the State.

The petitioner prays for appropriate direction to the disciplinary authority i.e the State Government to conclude the disciplinary proceedings initiated against him. In reference to the order of this court passed in C.W.J.C.No.4638 of 2012 placed at Annexure-1 of the writ petition, learned counsel submits that even though the disciplinary authority was directed to take the proceedings to its conclusion within a maximum period of 3 months but even a lapse of



5 years has not been found sufficient for the disciplinary authority to conclude the proceedings even though an enquiry report was submitted as back as on 14.9.2011 which has been taken note of by the Bench in the order placed at Annexure-1 but 5 years of disposal of the said writ petition has not yet resulted in conclusion of the proceedings

Prima facie, the respondents are guilty of non compliance of the direction of the court but in the circumstances discussed and as an extra indulgence, I would direct the respondent State through the Principal Secretary, Education Department the respondent No.2 to take the departmental proceedings to its conclusion within a maximum period of three months from the date of receipt/production of a copy of this order.

The writ petition is allowed with the direction aforementioned.

(Jyoti Saran, J)

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