

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.7374 of 2016

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Manoj Singh, Son of Late Naresh Singh, In-charge Headmaster, Middle School,
Sukh Sarovar, P.S. Shahkund, District- Bhagalpur (Suspended).

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Education,
Govt. of Bihar, Patna.
2. The Principal Secretary, Department of Education, Govt. of Bihar, Patna.
3. The Director, Primary Education, Govt. of Bihar, Patna.
4. The Regional Deputy Director of Education, Bhagalpur.
5. The District Magistrate, Bhagalpur.
6. The District Education Officer, Bhagalpur.
7. The District Programme Officer (Establishment), Bhagalpur.
8. The Block Education Officer, Shahkund, District- Bhagalpur.
9. The District Programme Officer, Sarva Shiksha Abhiyan, Bhagalpur.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Y.V. Giri, Sr. Advocate with
Mr. Pramod Mishra, Advocate

For the Respondent/s : Mr. Prabhat Kumar, AC to GA-11

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 06-02-2017

Heard Mr. Y.V. Giri, learned senior counsel appearing
on behalf of the petitioner along with Mr. Pramod Mishra and Mr.
Prabhat Kumar, learned Assisting Counsel to Government Advocate
No.11 for the State.

In the nature of the order which this Court proposes to
pass it would not require to delve deep into the merit of the case.
Suffice it to say that the petitioner is aggrieved by the order bearing
Memo No.481 dated 6.2.2016 of the District Programme Officer
(Establishment), Bhagalpur, whereby the petitioner has been



suspended.

When the matter was taken up for consideration, Mr. Giri, learned senior counsel appearing for the petitioner raised two issues for consideration, namely:

- (a) That the disciplinary proceeding has not progressed despite filing of the reply to the charges by the petitioner; and
- (b) That the petitioner was not being paid subsistence allowance.

The respondents were directed to inform this Court on the issues raised and when it is stated by way of supplementary counter affidavit that right since after the order of suspension dated 6.2.2016, the petitioner has not reported at the headquarter and that is the reason, not only for the delay in the disciplinary proceeding but also the non-payment of the subsistence allowance.

Mr. Giri has invited the attention of this Court to Annexure-9 to the reply to the supplementary counter affidavit which is a letter bearing Memo No.24 dated 23.1.2017 of the Block Education Officer, Shahkunda and with reference thereto he submits that the Block Education Officer himself admits that the petitioner has joined on 10.9.2016. He submits that since the petitioner was relieved only on 23.1.2017 as noted by the Block Education Officer himself,



the delay cannot be attributed to him because the petitioner was on medical leave.

Mr. Prabhat Kumar, learned AC to GA-11 while not disputing the joining of the petitioner on 24.1.2017 submits that the reply so enclosed in the writ petition is undated and thus it is not confirmed whether and when, it has been actually filed. Mr. Giri submits that notwithstanding the objection raised, the petitioner would be filing his reply afresh.

In the uncontested circumstances discussed above and since the petitioner has given his joining at the headquarter on 24.1.2017 as reflecting from Annexure- 9 to the rejoinder to the second supplementary counter affidavit, I deem it fit and proper to dispose of the writ petition with a direction to the District Education Officer, Bhagalpur, respondent no.6 to conclude the disciplinary proceeding initiated against the petitioner vide Annexure-2 which is a charge memo issued by him, in accordance with law and after affording reasonable opportunity of hearing to the petitioner.

The petitioner would file his show cause as undertaken before this Court within four weeks from today and thereafter the disciplinary proceeding be taken to its logical conclusion in accordance with law within six months thereafter. In case the disciplinary proceeding is not concluded within the period of six



months of the date of receipt/production of a copy of this order, the Disciplinary Authority would consider the prayer of the petitioner for revocation of suspension and dispose of the same within four weeks thereafter.

In so far as the payment of subsistence allowance is concerned, since the petitioner has already joined the headquarters, the Disciplinary Authority shall pass appropriate order for release of the same within four weeks from the date of receipt/production of a copy of this order.

The writ petition is disposed of accordingly.

(Jyoti Saran, J)

SKPathak/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	20-02-2017
Transmission Date	NA

