

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.12924 of 2016

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Jitendra Kumar, Son of Late Devendra Sharma, resident of village - Rampur, Post Lakhawar, P.S. Ghoshi, District – Jehanabad.

.... Petitioner/s

Versus

1. The State of Bihar through Chief Secretary Govt. of Bihar, Patna.
2. Secretary, SC/ ST Welfare Department, Government of Bihar, Patna.
3. Deputy Secretary, SC/ST Welfare Department, Bihar Patna.
4. Director, SC/ST Welfare Department, Bihar, Patna.
5. Especial Secretary, SC/ST Welfare Department, Govt. of Bihar, Patna.
6. Deputy Director, Magadha Division, Gaya.
7. District Magistrate, Nawada.
8. District Welfare Officer, Nawada, District Nawada.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Uday Prakash Sharma, Adv.

For the Respondent/s : Mr. Krishna Kant Singh, AC to SC-10

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 30-06-2017

Heard Mr. Uday Prakash Sharma, learned counsel appearing for the petitioner and Mr. Krishna Kant Singh, learned Assisting Counsel to Standing Counsel No.10 for the State.

The petitioner is aggrieved by the order of suspension bearing Memo No.3427 dated 8.4.2016 impugned at Annexure-9 to the writ petition. The allegation against the petitioner is of committing alleged misconduct in distribution of scholarship to students coming under the weaker sections. An order of suspension was passed on 19.11.2015 vide Annexure-2 but was revoked on 18.1.2016 vide Annexure-5 only to be restored vide a fresh order passed on 8.4.2016 when the petitioner has been again suspended which is impugned in this writ petition.



In the meanwhile disciplinary proceeding has been initiated and an enquiry report has also been submitted on 24.10.2016, a copy of which has been placed on record vide Annexure 'H' series to the counter affidavit. The Deputy Director, Welfare, Magadh Division, Gaya –cum- Enquiry Officer while holding charge nos.1, 2 and 4 not proved, has upheld the charge no.3 as partially proved. The Disciplinary Authority –cum- Director, SC/ST, Welfare Department, Government of Bihar, Patna disagreeing with the opinion of the Enquiry Officer has issued the note of disagreement in the form of second show cause notice bearing Memo No.94 dated 18.1.2017 which also forms part of Annexure 'H' series.

By filing a rejoinder Mr. Sharma, learned counsel appearing for the petitioner informs that although the petitioner has filed his show cause immediately thereafter on 24.1.2017 but the Director, SC/ST, Welfare Department –cum- Disciplinary Authority has not passed any order thereon and the petitioner continues to remain under suspension. It is submitted by Mr. Sharma that the subsistence allowance of the petitioner has also not been paid since 8.4.2016 i.e. the date the order of suspension was passed.

Having heard learned counsel for the parties and considering the stage at which the disciplinary proceedings is



resting, for the present, I deem it proper to direct the Director, SC/ST, Welfare Department, Government of Bihar, Patna to pass final order on the disciplinary proceeding within a maximum period of four weeks from the date of receipt/production of a copy of this order failing which he shall consider the request of the petitioner for revocation of suspension and dispose of the same by passing appropriate orders in accordance with law within a period of one week thereafter.

In so far as the non-payment of subsistence allowance is concerned, the Director, SC/ST, Welfare Department, Government of Bihar, Patna shall ensure its payment within the period stipulated above failing which the order of suspension would stand quashed on the expiry of five weeks period from the date of receipt/production of a copy of this order before him.

The writ petition is disposed of with the direction aforementioned.

(Jyoti Saran, J)

SKPathak/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	11-07-2017
Transmission Date	NA

