

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.4346 of 2016

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Jai Prakash Prasad Son of Sri Bishundeo Bind, Resident of Village- Jhikatiya, P.O.- Rukundi, P.S. Bandhya (Goh), District- Aurangabad.

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Government of Bihar, Patna.
2. The Director, Primary Education, Govt. of Bihar, Patna
3. The District Magistrate, Aurangabad.
4. The District Education Officer, Aurangabad.
5. The District Superintendent of Education (Establishment), Aurangabad.
6. The Block Development Officer, Goh, Aurangabad.
7. The Block Education Extension Officer, Goh, Aurangabad.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Krishna Kant Singh, Adv.
Mr. Anil Kumar Sinha, Adv.

For the Respondent/s : Mr. Rewati Kant Raman, AC to SC-11

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 07-02-2017

Heard Mr. Krishna Kant Singh, learned counsel for the petitioner and Mr. Rewati Kant Raman, SC-11, for the State.

This writ petition has been filed questioning the order of suspension dated 18.12.2012 passed by the Block Development Officer, Goh, inter alia, on grounds that the petitioner has been kept under suspension for the past more than four years.

The matter was taken up on 23.12.2016 and the learned State Counsel while being asked to address on the issue of validity of suspension order, by the subsequent order dated 24.1.2017 was also asked to give information as to the status of the disciplinary



proceedings. While filing a supplementary counter affidavit, it is submitted by Mr. Rewati Kant Raman that the Block Development Officer in capacity of the Secretary of the Panchayat Samiti, who happens to be the Secretary of the Appointment Committee, has passed the order of suspension considering graft charge against the petitioner and thus, there is no infirmity in the order of suspension. In so far as the status of the disciplinary proceeding is concerned, he submits that the enquiry has been concluded, the report has been submitted by the Enquiry Officer on 26.9.2016 upholding the charges and the matter has been forwarded to the Appointment Committee on 25.1.2017 for its decision. It is, thus, stated that the departmental proceeding only awaits the final order.

Having heard learned counsel for the parties and considering the submissions advanced, this Court is not persuaded to interfere with the order of suspension and considering that the enquiry has since been concluded and the report submitted to the Appointment Committee for a decision thereon, the present writ petition is disposed of with a direction to the Block Development Officer, Goh, respondent no.6, who happens to be the Secretary of the Appointment Committee, to ensure that the disciplinary proceeding is concluded within a maximum period of four weeks from today and final order is passed in accordance with law, failing which appropriate order be



passed on the continued suspension of the petitioner.

It is made clear that since this Court has expressed no opinion on the merits of the disciplinary proceeding, the disposal of the writ petition may not be construed as an opinion on the pending departmental proceeding. All the issues raised herein are thus open for the petitioner to be raised before the Appointment Committee.

(Jyoti Saran, J)

Surendra/-

AFR/NAFR	NAFR
CAV DATE	NA
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