

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5935 of 2017

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1. Sheo Muni Singh S/o Late Vishwanath Singh @ Bisu Singh, R/o Village-Turk Chakiya, P.S. Buxar Mufassil, District- Buxar Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Home Department, Bihar, Patna.
2. The Director General of Police, Bihar, Patna
3. The Inspector General, Bhagalpur Zone, Bhagalpur
4. The Deputy Inspector General, Munger Zone, Munger
5. The Superintendent of Police, Lakhisarai
6. The Superintendent of Police, Buxar
7. The Deputy Superintendent of Police (Headquarter) cum Conducting Officer, Lakhisarai Respondents

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Appearance :

For the Petitioner : Mr. Shailesh Kumar, Adv.

For the Respondents : Mr. Partha Sarthi, GA IV

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR

JHA

ORAL ORDER

3 03-10-2017

Heard both sides.

The petitioner, herein, seeks quashing of the district order no. 823/2016, dated 22.09.2016, as contained in Memo No. 4278, by which the petitioner has been put under suspension on the ground that his daughter-in-law has lodged a case under Section 498A and other sections of the Indian Penal Code in Buxar Mahila P.S. Case No. 46 of 2016.

The learned counsel for the petitioner submits that mere lodging of a first information report does not create a ground to put the petitioner under suspension. The petitioner was granted anticipatory bail. The petitioner has already filed his show cause in the departmental proceeding on 07.12.2016 and the departmental proceeding has already been concluded. Enquiry officer has submitted report, but, the disciplinary authority has not passed order.

Having considered the facts that non-else than the



daughter-in-law of the petitioner made different sorts of allegations against the petitioner on the basis of which Buxar Mahila P.S. Case No. 46 of 2016 was registered and petitioner was put under suspension contemplating a departmental proceeding and the memo of charge has already been served on the petitioner,

I **dispose off** this writ application with a direction to the respondent 5 to dispose of the departmental proceeding of the petitioner within three months from the date of receipt of this order, as the enquiry report has already been submitted, failing which the suspension of the petitioner shall be deemed to have been revoked.

(Prabhat Kumar Jha, J)

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