

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.9450 of 2017

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Raj Kumar Raj, S/o Late Chandeshwari Prasad Yadav, Resident of Mohalla- Jai Prakash Nagar, Ward No.6, Madhepura, P.S.- Madhepura, District- Madhepura.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Government of Bihar, Patna.
2. The Principal Secretary, Education Department, Government of Bihar, Patna.
3. The Director, Primary Education, Government of Bihar, Patna.
4. The Collector, Madhepura.
5. The District Education Officer, Madhepura.
6. The District Programme Officer, Madhepura.
7. The Block Education Officer, Muraliganj, District- Madhepura.
8. The Panchayat Secretary, Kolhaipatti, Dumari, Murliganj, Madhepura.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Abhay Kumar Jha, Adv.

For the Respondent/s : Mr. KAMESHWAR KUMAR -GP17

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL JUDGMENT

Date: 05-09-2017

Heard both sides.

The petitioner has filed this writ petition for quashing the order dated 07.02.2016 issued under the signature of Panchayat Secretary gram panchayat Kolhaipatti, Dumariya by which the petitioner has been put under suspension.

The sole contention of the learned counsel for the petitioner is that the petitioner was suspended on 07.02.2016, but till date neither departmental proceeding was initiated nor Enquiry Officer was appointed.



Sub-rule 7 of Rule 9 of Bihar C.C.A. Rules, 2005 says that within three months from the date of suspension, charge must be framed and if charge is not framed within three months, the authority, stating the reasons for not framing the charge may extend the period of four months and even then the charge is not framed, suspension shall be revoked, but it is submitted that even after issuance of letter putting the petitioner under suspension more than one and half year has elapsed, but neither departmental proceeding is initiated nor charge has been framed.

Learned counsel for the State prayed for time, but could not be able to say as to why even after lapse of one and half year from the date of suspension charge is not framed.

Considering the facts aforesaid, the disciplinary authority is directed to pass order within one month on the point of revocation of the suspension of the petitioner, failing which the suspension of the petitioner shall be deemed to have been revoked.

With this observation, the writ petition is disposed of.

(Prabhat Kumar Jha, J.)

Vinita/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	11/09/2017
Transmission Date	NA

