

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15786 of 2017

Dr. Kumari Usha Singh Wife of Late Bansidhar Prasad Singh, Resident of
303, Niranjana Apartment, Akashvani Road, Khajpura, Patna-800014 Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Government of Bihar, New Secretariat Patna. 800001.
2. The Principal Secretary, Education Department, Government of Bihar, New Secretariat Patna. 800001.
3. The Secretary Education, Govt. of Bihar, New Secretariat, Patna-1
4. The Director Secondary Education, Department of Education, Government of Bihar, Bihar Secondary Education Office, Budh Marg, Patna, Patna.-800001.
5. The Regional Deputy Director of Education, Patna Division, Bihar Secondary Education Office, Patna.800001.
6. The District Education Officer, Bankipore Patna.
7. The District Programme Officer, (Secondary Education), Patna.
8. The Leave Reserve Officer, cum District Programme Officer, (Planning and Accounts), D.E.O. Office Patna.
9. The Leave Reserve Officer, (Secondary Education) Department of Education, Govt. of Bihar, New Secretariat, Patna.-1,

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Surendra Kumar Singh, Advocate Ms. Tulika Singh, Advocate
For the State	:	Mr. Vinay Kumar Mishra, AC to AAG15

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL JUDGMENT

Date : 08-11-2017

Heard learned counsel for the petitioner and learned counsel
appearing for the State.

2. The petitioner is aggrieved by the order of
suspension contained in memo no. 2355 dated 5.10.2017, whereby
the petitioner was put under suspension in contemplation of
departmental proceeding. The order indicates that memo of charge
is being issued separately.



2. Mr. Surendra Kumar Singh, learned counsel appearing on behalf of the petitioner, submits that the order of suspension is tainted with mala fide. He has referred to various circumstances to indicate that the petitioner has been victimized in this case for taking corrective measures to discipline the teachers, where she was posted as Headmistress and Drawing and Disbursing Officer.

3. Counsel for the State submits that the order of suspension is in contemplation of a departmental proceeding and the respondents will strictly adhere to the provisions of Bihar Government Servant (Classification, Control and Appeal) Rules, 2005 for completion of departmental proceeding.

4. Mr. Singh, counsel for the petitioner, on the other hand, submits that since the order of suspension in the instant case is designed to victimise the petitioner, her apprehension is that the respondents may not conclude the departmental proceeding in accordance with the time-frame prescribed under the Rules.

5. After hearing the parties and considering the rival submissions of the parties, I am of the view that the order of suspension at this stage needs no interference. However, the respondents are directed to conclude the departmental proceeding



after serving memo of charge against the petitioner within a period of six months.

6. If the departmental proceeding is not concluded within the aforesaid period, the order of suspension as well as the departmental proceeding shall come to an end after expiry of six months from the date of receipt/production of a copy of this order.

7. It goes without saying that the respondents shall pay subsistence allowance to the petitioner for the period of suspension, otherwise the regular departmental proceeding would be vitiated for non-payment of subsistence allowance.

8. With the aforesaid, the writ petition stands disposed of.

(Anil Kumar Upadhyay, J)

spandey/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	10.11.2017
Transmission Date	

