

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.11339 of 2016

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Shambhu Nath Rai, S/o Late Sarju Rai Resident of Village Chandpura, P.S. Raghapur, Dist.- Vaishali. Presently Incharge Headmaster Upgraded Middle School Chandpur Harijan Circle- Raghapur, Dist- Vaishali

.... Petitioner/s

Versus

1. The State of Bihar through Director of Primary Education Govt. of Bihar.
2. The District Education Officer, Vaishali
3. The District Programme Officer (Establishment) Vaishali.
4. The Block Education Officer Raghapur

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Vijay Kumar Mishra, Advocate
Mr. Shavendra Kumar,
For the State : Mr. Anil Kumar Singh, GP-26

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 07-09-2017

Heard learned counsel for the parties.

2. Learned counsel for the State, at the time of assisting the Court, was not able to assist on the basis of pagination of the Court despite there being a notice printed everyday in the cause list. This has led to impediment in judicial proceeding for which the Court deemed it appropriate to impose cost. However, in view of apology tendered by learned counsel for the State, refrains



from doing so.

3. The petitioner has moved the Court against the order of suspension dated 05.04.2016. However, it transpires that departmental proceeding has been initiated and memo of charge also served on 02.03.2017.

4. In such view of the matter, the Court is not inclined to go into the merits of the suspension order. As departmental proceedings have already been initiated, the same is required to be concluded expeditiously.

5. In view thereof, the writ petition stands disposed off with a direction to the respondent no. 3 to ensure that the departmental proceeding initiated against the petitioner is taken to its logical conclusion within four months from the date of production of a copy of this order before him.

6. If the petitioner does not co-operate, the respondent no. 3 would be free to conclude the proceeding, in accordance with law, without giving any undue indulgence to the petitioner.

7. If the petitioner has not been paid subsistence allowance, he shall make representation before the respondent no. 3 within one week from today and the respondent no. 3 shall ensure that payment of subsistence allowance, as required in law and to



which the petitioner is found entitled, is paid to him within one month thereafter.

(Ahsanuddin Amanullah, J)

P. Kumar

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