

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1763 of 2017

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Arun Kumar Patel, S/o Rishi Kumar Patel, Resident of Mohalla:- Kharjama, P.O.- Kaila, P.S.- Nagarnausa, Via- Chandi, District- Nalanda. At present working as suspend teacher in office of Block Education office, Hilsa, Distt.- Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar through Director Primary Education Patna Bihar.
2. The Deputy Development commissioner, Nalanda.
3. The Deputy Director Area Education Officer, Patna.
4. The District Programme Officer (Establishment) Education, Nalanda.
5. The District Education Officer, Biharsharif, Nalanda.
6. The Block Education officer, Islampur, Nalanda.
7. The Head Master Primary School, Sarthua, Kurd, Islampur, Nalanda.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rajendra Nath Sinha
For the Respondent/s : Mr. Madhaw Pd. Yadav- GP23

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 05-09-2017 Heard learned Counsel for the parties concerned.

The petitioner has been put under suspension by an order, dated 27.09.2016, in contemplation of a departmental enquiry.

At the relevant point of time, the petitioner was working as Assistant Primary Teacher in Primary School, Sarathua Kurd, Islampur Block, in the district of Nalanda.

This writ application was filed on 03.02.2017 with specific assertion that no departmental enquiry has been initiated against the petitioner and, therefore, the order of suspension needs interference.

It seems that a copy of the counter affidavit on behalf of



the District Programme Officer (Establishment), Nalanda, has been served on learned Counsel for the petitioner in which a plea has been taken that the charge sheet was issued against the petitioner in October, 2016, itself.

Learned Counsel for the petitioner has, however, submitted that no charge sheet has been served on him.

Be that as it may, in view of the specific stand taken on behalf of the respondents that charge sheet has been issued against the petitioner, this application is disposed of with a direction to the disciplinary authority to conclude the departmental proceeding within a period of six months from today.

If the departmental proceeding is not concluded within the aforesaid period of six months, the order of suspension shall be treated to have been revoked unless the disciplinary authority is of the view that it was because of non-co-operation on the part of the petitioner that the disciplinary proceeding could not be concluded.

The Court expects that the petitioner shall co-operate in the departmental enquiry.

In order to expedite conclusion of departmental enquiry, the petitioner will be required to meet the District Programme



Officer (Establishment), Nalanda, along with copy of the present order within two weeks from today and if he has not received the memo of charge in fact, he will obtain the same from the District Programme Officer (Establishment), Nalanda.

This application stands disposed of with the aforesaid observations and directions.

(Chakradhari Sharan Singh, J)

Prabhakar Anand/-

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