

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.14772 of 2017**

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Dilip Kumar, Son of Ramdash Mandal, Resident of Village + P.S.- Sahkund,  
District- Bhagalpur, at present posted as Headmaster Middle School, Sajour,  
Sahkund, District-Bhagalpur. .... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department,  
Bihar, Patna
  2. The Director, Primary Education Department, Bihar, Patna.
  3. The Regional Deputy Director of Education, Bhagalpur, District-Bhagalpur
  4. The Regional Development Officer, Bhagalpur, Division, Bhagalpur
  5. The District Education Officer, Bhagalpur, District-Bhagalpur.
  6. The District Programme Officer, Bhagalpur, District-Bhagalpur
  7. The Block Education Officer, Sahkund, Bhagalpur, District-Bhagalpur.
- .... Respondent/s
- =====

**Appearance :**

For the Petitioner/s : Mr. Sharda Nand Mishra, Advocate  
Mr. Dhananjay Kumar Gupta, Advocate  
For the Respondent/s : Mr. Madanjeet Kumar, GP-20

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**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY**  
**ORAL JUDGMENT**  
**Date: 08-11-2017**

Heard learned counsel for the petitioner and the State.

The petitioner is aggrieved by the order of suspension  
contained in Memo No. 2072 dated 11.09.2017. The order of  
suspension was passed by the District Programme Officer  
(Establishment), Bhagalpur with the consent of the District Education  
Officer, Bhagalpur. In the order, it has been mentioned that Separate  
Prapatra ‘क’ shall be issued.

Counsel for the petitioner submits that till date  
Prapatra ‘क’ has not been issued.

Rule 9 of the Bihar Government Servants  
(Classification, Control & Appeal) Rules, 2005 contemplates detailed  
procedure and time frame for suspension and conclusion of the



departmental enquiry. The order of suspension was passed on 11.09.2017 in contemplation of departmental proceeding in view of the fact that the order of suspension was passed only on 11.09.2017, the writ petition is disposed of with a direction to respondents to issue Prapatra 'क' and conclude the departmental enquiry in accordance with the provisions of Bihar Government Servants (Classification, Control & Appeal) Rules, 2005 and conclude the departmental enquiry within a period of four months from the date of receipt/production of a copy of this order.

In case, the departmental proceeding is not concluded within four months, the order of suspension of the petitioner shall stand automatically revoked.

It goes without saying that the respondents are under obligation to pay subsistence allowance and in the event of non-payment of suspension allowance, the entire departmental proceeding stands vitiated in view of the law laid down by the Hon'ble Apex Court.

With the aforesaid observation, this application stands disposed of.

**(Anil Kumar Upadhyay, J)**

Uday/-

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| AFR/NAFR          | NAFR       |
| CAV DATE          | NA         |
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