

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11445 of 2017

Manoranjan Prasad Singh, son of Late Nawal Kishore Singh, Resident of Village- Kemra, P.O.- Diha, P.S.- Ariari, District- Sikhapura.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Education, Government of Bihar, Patna.
2. The Director, Bihar Education Project-cum-Surva Shiksha Abhiyan, Bihar, Patna.
3. The District Magistrate, Sheikhpura.
4. The District Programme Officer-cum-Surva Shiksha Abhiyan, Sheikhpura.
5. The District Programme Officer (Establishment), Sheikhpura.
6. The Block Education Officer, Sheikhpura, District - Sheikhpura
7. The Panchayat Secretary, Gram Panchayat Raj, Pachna, Block- Sheikhpura, District- Sheikhpura.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Arun Kumar, Advocate
For the Respondent/s	:	Mr. Prabhakar Jha-Gp27
		Mr. Shankar Kumar Thakur-GP27
For respondent BEPC	:	Mr. Girijesh Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

4 02-04-2018 Heard learned counsel for the petitioner and the counsel appearing on behalf of the State.

Petitioner was put under suspension in contemplation of departmental proceeding vide order contained in Annexure-9 which was challenged by way of I.A. No. 8282 of 2017.

In view of the facts and circumstances indicated in the I.A., the application for amendment is allowed.

The petitioner is aggrieved by the order contained in Annexure-9. The order of suspension is in contemplation of departmental proceeding. The petitioner was put under



suspension on 17.10.2017 but neither Prapatra 'ka' was issued to the petitioner nor subsistence allowances has been paid.

In view of the statutory provision of the rule itself, the respondents were required to make payment of subsistence allowances to the petitioner. In the matter, law is well settled and the Apex Court has also held out in the case of **Capt. M. Paul Anthony vs. Bharat Gold Mines Ltd. & Anr.** in case of non-payment of subsistence allowance, the entire departmental proceeding stands vitiated.

In view of the above, the writ petition is disposed of with direction to the respondents to serve a copy of prapatra 'ka' within a period of sixty days from today, failing which the order contained in Annexure-9 dated 17.10.2017 shall stand automatically revoked.

In the event non-payment of subsistence allowances within the aforesaid period will lead to closure of departmental proceeding itself.

With the aforesaid, the writ application stands disposed of.

(Anil Kumar Upadhyay, J)

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