

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7351 of 2018

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Rabindra Kunwar, Son of Sri Paras Nath Kunwar, Resident of Kajirawan,
Khurd, P.O.- Mishra Batarahan, P.S.- Fulwaria, District- Gopalganj.

.... Petitioner/s

Versus

1. The State of Bihar through the Director, Primary Education, Govt. of Bihar, New Secretariat, Patna.
2. The Director, Primary Education, Govt. of Bihar, New Secretariat, Patna.
3. The District Education Officer, Gopalganj.
4. The District Programme Officer (Establishment), Gopalganj.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Bipin Bihari Singh, Advocate

For the Respondent/s : Mr. Arvind Kumar, AC to GP-23

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR
UPADHYAY
ORAL ORDER

2 11-05-2018

Heard learned counsel for the petitioner and

learned counsel appearing on behalf of the State.

Petitioner has aggrieved by the initiation for departmental proceeding contrary to Bihar Rajya Rajyakrit Prarambhik Vidyalaya Shikshak Transfer and Disciplinary Rule 2002.

Learned counsel for the petitioner submits that the issued raised in present application is no more *res integra*. A Co-ordinate Bench of this Court has already decided this issue in C.W.J.C. no. 12472 of 2016, vide judgment dated 14.11.2017.

In view of the above, the writ application is disposed of with a direction to the respondents to consider the case of the



petitioner in the light of the decision in C.W.J.C. No. 12472 of 2016 and if it is found that the case of the petitioner is similar to the case of petitioner of C.W.J.C. No. 12472 of 2016, the respondents have to treat the order of suspension is *void ab initio*.

In view of the decision of a Co-ordinate Bench of this Court in C.W.J.C. No. 12472 of 2016, however, the order of treating the suspension as *void ab initio* will not preclude the respondents from proceeding in the departmental proceedings in accordance with law.

With the aforesaid, the writ petition stands disposed of.

The respondents are required to conclude the departmental proceeding after recalling the order of suspension within a maximum period of six months from the date of receipt/production of a copy of this order.

(Anil Kumar Upadhyay, J)

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