

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2423 of 2018

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Bindu Kumar, S/o Sri Badan Yadav, resident of Village- Pipariya Diyara, P.O. &
P.S.- Pipariya, District- Lakhisarai. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department,
Bihar, Patna.
 2. The Director, Primary Education, Bihar, Patna.
 3. The District Education Officer, Lakhisarai.
 4. The District Programme Officer (Establishment), Lakhisarai.
 5. The Block Development Officer-cum- Secretary, Block Teachers Selection
Committee, Pipariya, Lakhisarai. Respondent/s
- =====

Appearance :

For the Petitioner/s : Mr. Rajeev Lochan, Advocate

For the Respondent/s : Mr. Hitesh Suman, AC to SC-13

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

Date: 16-03-2018

Heard learned counsel for the petitioner and State.

2. The petitioner was put under suspension, as contained
in Annexure-6, in contemplation of departmental proceeding, vide
order dated 01.12.2014

3. Learned counsel for the petitioner submits that neither
Prapatra 'Ka' has been issued to the petitioner nor the petitioner has
been paid subsistence allowance for the period he was under
suspension.

4. Learned counsel submits that the employment unit has
taken a decision to revoke the order of suspension vide Annexure-10.

5. Since the order of suspension of the petitioner is in
contemplation of departmental enquiry and if Prapatra 'Ka' has not
been issued by the respondents, then they are supposed to revoke the



order of suspension in terms of Rule 9 of the Bihar Government Servants (Classification, Control & Appeal) Rules, 2005.

6. Considering the fact that more than three months have passed by now, but the respondents have not issued Prapatra ‘Ka’ and has not initiated departmental proceeding, the respondents are directed to issue Prapatra ‘Ka’ within a maximum period of 60 days from the date of receipt/production of a copy of this order, failing which the order of suspension if not already revoked in terms of Annexure-10, shall automatically revoked.

7. So far as the claim of the petitioner for grant of subsistence allowance for the period the petitioner was under suspension is concerned, the law is well settled that if the petitioner has not been paid subsistence allowances, the entire proceeding shall be vitiated in view of law laid down by the Apex Court in the case of **Capt. M. Paul Anthony vs. Bharat Gold Mines Ltd. & Anr**, reported in **(1999) 3 SCC 679**.

8. With the aforesaid, the writ application stands disposed of.

(Anil Kumar Upadhyay, J)

Uday/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	24.03.2018
Transmission Date	

