

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.8419 of 2018

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1. Arvind Kumar Giri, son of Raghunath Giri, resident of Mohalla- Anand Nagar Shivpur, P.S. Ara Town, District- Bhojpur.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Principal Secretary, Department of Education, Government of Bihar, Patna.
3. Director, Bihar State Education Project, Patna.
4. District Magistrate, Bhojpur, Ara.
5. District Education Officer, Bhojpur, Ara.
6. District Programme Officer (Estb.), Bhojpur, Ara.
7. Block Education Officer, Udwantnagar, District- Bhojpur, Ara.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ravi Ranjan

For the Respondent/s : Mr. MADHAW PRASAD YADAV -GP23

Mr. Arvind Kumar, A.C. to G.P.23.

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

Date: 08-05-2018

Heard the learned counsel for the petitioner and counsel appearing on behalf of the State.

Petitioner is aggrieved by the pending departmental proceedings and continuing suspension. Petitioner was put under suspension vide office order contained in Memo No.2505 dated 01.08.2016. Learned counsel for the petitioner submits that after service of 'प्रपत्र-क' respondents have neither appoint Enquiry Officer nor Presenting Officer to initiate the departmental enquiry and in the meanwhile, petitioner has remained under suspension for more than one year nine months.

Departmental proceedings are conducted under certain norms and rules. The respondents are required to conduct enquiry expeditiously when



a person was put under suspension in contemplation of departmental proceeding. In the present case, when the respondents have consumed more than one year nine months without appointing Enquiry Officer, one can visualize the time expected to be consumed by the respondent in concluding the department enquiry. The petitioner who is continuing under suspension for the last one year and nine months cannot be left on the mercy of the respondent to carry the enquiry leisurely.

Considering the peculiar facts of the case, the Court is constraint to declare continuance of order of suspension dated 1.8.2016 as illegal and arbitrary and accordingly, the same is quashed. Quashing of Annuxre-1, the order of suspension, however, will not come in the way of respondent concluding the departmental proceeding at the earliest. Since one year nine months has been consumed by the respondent, the Court has further granted six months time to conclude the departmental proceeding failing which the departmental proceeding against the petitioner shall ceased to exist after expiry of six months.

With the aforesaid, this writ petition is disposed of.

(Anil Kumar Upadhyay, J)

Sanjeev/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	
Transmission Date	

