

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5387 of 2018

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Madan Ram S/o Late Bansharopan Ram, Resident of Village-Jamuni Dihra,
P.O.- Manikpur, P.S.-Rajpur, District-Buxar, at Present Suspended In Charge
Headmaster, Middle School, Arak Chakki, Buxar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department,
Government of Bihar, Patna.
2. The Principal Secretary, Education Department, Government of Bihar, Patna.
3. The Director, State Education Project Council, Bihar, Patna.
4. The Director Mid-Day-Meal Scheme, Bihar, Patna.
5. The District Magistrate, Buxar, District Buxar.
6. The District Education Officer, Buxar, District-Buxar.
7. The District Programme Officer, (Establishment), Mid Day Meal Scheme,
Buxar, District Buxar.
8. The District Programme Officer, Midday Meal Scheme, Buxar, District
Buxar.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Shankar Kumar, Advocate
For the State	:	Mr. Ashutosh Ranjan Pandey-AAG-15
For BEPC	:	Mr. Girijish Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL JUDGMENT

Date : 24-08-2018

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

2. The grievance of the petitioner in the present writ
petition is non-payment of subsistence allowance although the
petitioner was put under suspension by order dated 23.11.2017.

3. Learned counsel for the petitioner submits that the
order of suspension was in contemplation of a departmental
proceeding but till date the petitioner has not been served with



copy of Prapatra “Ka” and as such the order of suspension is unsustainable.

4. Considering the submission on behalf of the petitioner, the writ petition is disposed of with a direction to the respondents to ensure payment of subsistence allowance, if not already paid, within a maximum period of one month from the date of receipt/production of a copy of this order.

5. It is also made clear that if the charges has not been framed and served upon the petitioner till date, the same shall be served upon the petitioner within a period of 90 days from the date of receipt/production of a copy of this order. Failure of service of Prapatra “Ka’ within the time frame of 90 days will result into automatic withdrawal of suspension of the petitioner.

6. With the aforesaid, the writ petition stands disposed of.

(Anil Kumar Upadhyay, J)

spandey/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	25.08.2018
Transmission Date	

