

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16449 of 2017

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Rabindra Kunwar, S/o Sri Paras Nath Kunwar, Resident at Majirawan Khurd,
P.O.- Mishra Batarahan, P.S.- Fulwariya, District- Gopalganj.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Education Dept. Govt. of Bihar, New Secretariat, Patna.
2. The Director, Primary Education, Govt. of Bihar, New Secretariat, Patna.
3. Regional Deputy Director of Education Saran Division Chapra.
4. The District Education Officer, Gopalganj.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Bipin Bihari Singh, Advocate
For the Respondent/s : Mr. S.K. Ranjan -GP17

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

3 15-02-2018 Heard learned counsel for the petitioner and the counsel
appearing on behalf of the State.

Learned counsel appearing on behalf of the State submits that he has received instruction and from the statement of facts received, he submits that the respondents have framed charges and issued 'Prapatra-ka' vide memo no. 2075 dated 25.8.2017 that departmental proceeding has commenced and as such the court may grant indulgence to the respondent to conclude the departmental proceeding as the suspension of the petitioner is in contemplation of departmental proceeding.

In view of the above instead of keeping the matter pending, the writ petition is disposed of with direction to the respondents to conclude the departmental proceeding expeditiously



preferably within a period of six months from the date of receipt/production of a copy of this order.

It is made clear that if the departmental proceedings is not concluded within a maximum period of six months from the date of receipt/production of a copy of this order, the order of suspension of the petitioner shall stand automatically revoked.

It goes without saying that the respondents are under obligation to pay subsistence allowances, failing which the entire departmental proceeding stand vitiated in view of law laid down by the Apex Court in various judgments including in the case of **Capt. M. Paul Anthony v/s Bharat Gold Mines Ltd. reported in 1999(3) SCC 679.**

With the aforesaid, the writ petition stands disposed of.

(Anil Kumar Upadhyay, J)

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