

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4117 of 2018

Chandeshwar Prasad, Son of Late Nathuni Sah, resident of village-Dewarhi,
Police Station-Agiaon (Garhani), District-Bhojpur

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The District Education Officer, Bhojpur, Ara
3. The District Programme Officer, Primary Education and Sarva Shiksha
Abhiyan, Bhojpur, Ara
4. The District Programme Officer (Establishment), Bhojpur, Ara
5. The Block Education Officer, Garhani, District-Bhojpur

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Suresh Kumar
For the Respondent/s : Mr. S.C.MISHRA -SC16

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 30-03-2018 Heard the learned counsel for the petitioner and the
learned counsel appearing on behalf of the State.

The learned counsel for the petitioner has drawn the attention of the Court to the order dated 15.09.2017 passed in C.W.J.C. No. 17781 of 2016 and has submitted that the case of the petitioner is covered by the decision wherein the Court has passed the following orders:-

7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, though the petitioner may be liable to be proceeded against departmentally, the suspension which has continued for over one year, is required to be interfered with. The entire money having been returned and the petitioner being under suspension receiving subsistence allowance is against public interest, for the reason, that he is still



getting money without performing any work and once the entire money which is said to have been given to the school has been returned to the government coffer, no purpose is being served by keeping him under suspension.

8. In view thereof, the order dated 17.08.2016 contained in Memo No. 2695 passed by the respondent no. 3, as far as it relates to the petitioner, is set aside. The petitioner stands reinstated. However, the departmental proceedings initiated against him shall continue. The petitioner shall also co-operate in the same.

9. The writ petition stands disposed off in the aforementioned terms.

In view of the above, the writ application is disposed of with a direction to the respondent No. 4, who will examine the case of the petitioner in light of the paragraph Nos. 7 to 8 of the C.W.J.C. No. 17781 of 2016 and in case, the facts situation is similar, the same benefits should be extended to the petitioner also. The entire exercise in this regard will be made by the respondent No. 4 within a maximum period of sixty days from the date of receipt / production of a copy of this order.

With the aforesaid, the writ application is disposed of.

(Anil Kumar Upadhyay, J)

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