

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.11054 of 2018**

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Shiv Shankar, Son of Late Mohan Lal Mahto, Resident of Village-  
Hathsarganj, Ward No.1, P.S.- Hajipur Town, District- Vaishali.

.... .... Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Personnel and Administrative Department, Bihar, Patna.
2. The Secretary, the Personnel and Administrative Department, Bihar Govt., Patna.
3. The District Magistrate-cum-Collector, Vaishali, Hajipur.
4. The Additional District Magistrate, Vaishali at Hajipur. null null
5. The Block Development Officer, Desari Block, Vaishali.
6. The Circle Officer, Desari Block, Vaishali.
7. The Conducting Officer-cum- Sub Divisional Officer, Mahnar, Vaishali.
8. The Block Development Officer, Patepur Block, Vaishali.
9. The Circle Officer, Patepur Block, Vaishali.

.... .... Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Mukesh Kumar, Advocate  
Mr. Sandip Kumar, Advocate  
Mr. Shivji Singh, Advocate  
For the Respondent/s : Mr. Manish Kumar -GP4  
Mr. Ravi Verma, AC to GP4

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**CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY**  
**ORAL ORDER**

2      14-08-2018      Heard learned counsel for petitioner and learned counsel for the State.

In the present writ petition, the petitioner is challenging the order of suspension.

Learned counsel for the petitioner submits that even though petitioner has already filed a reply to the second show cause, but final order has not been passed till date.

This case has chequered history. It appears that the



petitioner has approached this Court raising a grievance from time to time, lastly he has approached this Court vide C.W.J.C. No. 14681 of 2016 and the said case was disposed of vide judgment dated 31.10.2017 with the following direction:

*“15. The petitioner shall appear before the respondent no.7 within two weeks from today, along with a copy of this order. Thereafter, the respondent no.7 shall conduct the enquiry and submit a report in terms of the requirements of law and the discussions made hereinabove, within six weeks. Depending on the report, the respondent no.3 shall take appropriate steps, in accordance with law and the discussions made in this order, within the next two months and pass final orders in the departmental proceeding against the petitioner.”*

Till date enquiry proceeding has not arrived to its finality. Second show cause has been served upon the petitioner, which has been replied by him but the disciplinary authority has not recorded the final order.

This Court directs the District Magistrate – cum- Collector, Vaishali, Hajipur to take a final decision and pass a final order within thirty days from the date of receipt/production of a copy of this order. In failure to pass order it will be treated to be contempt of this Court and petitioner will be at liberty to file an affidavit and on that basis this Court will directly proceed contempt against the



District Magistrate – cum- Collector, Vaishali, Hajipur.

This Court is not giving any opinion on the merit of this case.

With the aforesaid observations and directions this writ petition is disposed of.

**(Shivaji Pandey, J)**

Vinay/Sunny

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