

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.3223 of 2018

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Sanjiv Kumar, S/o Ramanand Singh, Resident of Village- Pokharama, P.S.- Surajgarha, District- Lakhisarai, suspended Assistant teacher of Primary School Karitad, P.S.- Khaira, District- Jamui, presently posted as headquarter of Block Education Officer, Piparia, Lakhisarai.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Director, Primary Education Department, Govt. of Bihar, Patna.
3. Regional Deputy Director of Education, Munger.
4. The District Education Officer, Lakhisarai, District- Lakhisarai.
5. The District Programme Officer (Establishment), Education Department, Lakhisarai, District- Lakhisarai.
6. The Block Education Officer, Piparia, District- Lakhisarai.
7. The Headmaster, Primary School, Pokharama.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shashi Bhushan Singh

For the Respondent/s : Mr. Prabhat Ranjan Singh, AC to AAG-15

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

Date: 09-03-2018

Heard learned counsel for the petitioner and State.

The petitioner is aggrieved by the order as contained in Memo No. 1839 dated 15.11.2017 whereby the petitioner was put under suspension.

Learned counsel for the petitioner submits that the order as contained in Annexure-2 was passed in contemplation of the departmental proceeding, but contrary to the scheme of Bihar Government Servants (Classification, Control and Appeal) Rules, 2005, the respondents have not served Prapatra 'Ka' and as such the petitioner's suspension is unsustainable.



Considering the fact that the order of suspension was passed in contemplation of the departmental proceeding on 15.11.2017, but Prapatra ‘Ka’ has not been served on the petitioner.

Under the aforesaid circumstance, if the respondents have not served Prapatra ‘Ka’, the same should be served on the petitioner within three months from today, failure of the same, the order of suspension (Annexure-2) shall stand automatically revoked.

With the aforesaid, the writ application stands disposed of.

It goes without saying that respondents are required to make payment of subsistence allowance, if not already paid, to the petitioner within a period of fifty days from the date of receipt/production of a copy of this order.

(Anil Kumar Upadhyay, J)

Uday/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	14.03.2018
Transmission Date	

