

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16571 of 2017

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Dr. Achintya, S/o Late Binay Bhushan Kumar Sinha, R/o Akhileshwar
Kutir, Jawahar Chowk, P.S. Sitamarhi, P.O. Sitamarhi Bazar, District-
Sitamarhi.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Chief Secretary, Govt. of Bihar, Patna.
3. The Principal Secretary, Department of Science and Technology, Govt. of Bihar, Patna.
4. The Director, Department of Science and Technology, Govt. of Bihar, Patna.
5. The Deputy Secretary, Department of Science and Technology, Govt. of Bihar, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Hari Shankar Roy, Advocate
Mr. Avinav Srivastava, Advocate
For the Respondent/s : Mr. Ajay –G.A.-5
Mr. A. K. Lal, AC to G.A.-5

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

6 25-07-2018 Heard learned counsel for the petitioner and learned counsel
for the State.

In the present case, the petitioner is challenging the order of suspension as has been stated the same has not been done in terms of Rule 9 (i) of the Bihar Government Servant (Classification, Control and Appeal) Rules 2005, (hereinafter referred to as ‘the Rule’.

The petitioner was appointed as Inquiry Officer in the case of one Dr. Rajendra Prasad Singh. He has submitted the report



which was treated to be misleading report. Again he was asked to furnish a fresh inquiry report. Accordingly second time he has submitted the report which has also been treated to be misleading report and petitioner has been subjected to departmental proceeding.

In the present case the primary question was raised that whether order of suspension is reasonable or not, but it appears that memo of charge has been served upon the petitioner within the time prescribed as per Rule 9 (vii) of the Rule.

In such view of the matter, the order of suspension cannot be faulted but it requires that there should be fairness in the inquiry by the independent person following the procedure prescribed under Rule 17 of the Rules.

The petitioner has made a complaint that his Head Office was fixed at Bhagalpur whereas the place of inquiry is at Patna. So sometime it is very difficult to go to Bhagalpur from Patna to participate in inquiry proceeding.

In such view of the matter, it will be prudent and desirable to the competent authority to fix his headquarter near to Patna, so that he should not feel any difficulty in attending the inquiry proceeding and as such this Court directs that headquarter of petitioner should be transferred from Bhagalpur to Patna enabling



him to attend the inquiry proceeding. This Court also directs the Inquiry Officer to complete inquiry proceeding within a period of four months from the date of shifting of headquarter from Bhagalpur to Patna, subject to condition that petitioner will cooperate in the departmental inquiry proceeding. The order of transfer will be passed within a period of one week from date of receipt/production of a copy of this order.

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

(Shivaji Pandey, J)

Vinay/Sunny

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