

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14946 of 2019

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Dr. Narendra Pratap Singh Son of Late Virendra Pratap Singh, Resident of
Mohalla- B/17 Peoples Co-operative Colony, Kankarbagh, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Health Department, Govt. of Bihar, Patna.
2. The Principal Secretary, Health Department, Govt. of Bihar Patna.
3. The Deputy Secretary, Health Department, Govt. of Bihar, Patna.
4. The Deputy Director, Health Department, Govt. of Bihar, Patna.
5. The Deputy Director, Health Department (Medical Education), Govt. of Bihar, Patna.
6. The Additional Director, Health Department (Medical Education), Govt. of Bihar, Patna.
7. The Principal, Patna Medical College and Hospital, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Y.V. Giri, Sr. Advocate, Mr. Sumit Kumar Jha, Adv.
For the Respondent/s	:	Mr. Mujtabaul Haque, GP-12 Mr. Vasant Vikas, AC to GP-12

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 25-07-2019 Heard learned counsel for the petitioner and the
counsel appearing on behalf of the State.

Petitioner is aggrieved by the order of suspension.
From the materials available in the record it would be apparent
that the petitioner was put under suspension in contemplation of
departmental proceeding.

Mr. Y.V. Giri, Senior counsel appearing on behalf of
petitioner submits that the initiation of departmental proceeding



is vitiated by extraneous consideration, it is malafide. He further submits that the Headquarter of the petitioner has been fixed at Jawahar Lal Nehru Medical Collidge, Bhagalpur whereas the departmental proceedings situs is fixed at Patna.

So far as suspension is concerned, the order of suspension is not cessation of master servant relation, it is not a punishment, the order of suspension is only in the contemplation of the departmental proceeding. Therefore, the departmental proceeding has to be concluded in terms of statutory rules i.e. Bihar Government Servant (Classification and Control) Rules, 2005. The respondents have to take care of the time frame indicated in the rule for completion of departmental proceeding and the period of suspension shall also govern by the 2005 Rules. The contention that the departmental proceeding is initiated on account of malafide is concerned, the Court refrain from passing any comment on the aforesaid submission as any observation or finding in this regard shall prejudice the whole proceeding. The petitioner may suffer adversely, if any, finding is recorded that there is no malafide as plea of malafide in the departmental proceeding would be defeated. Similarly the department may suffer prejudice if finding at this stage is recorded as to malafide. In view of the above, the Court refrain



from passing any comment or observation or recording any findings on this score, so far as the submission as to fixing headquarter of the petitioner at Bhagalpur during the period of suspension is concerned, petitioner may approach the disciplinary authority for fixing Headquarter at Patna. Considering the fact that the departmental proceeding is fixed at Patna. In case the disciplinary authority is not inclined to fix headquarter at Patna during the period of suspension or the departmental proceeding, then the petitioner would be entitled to leave with salary to attend pending departmental proceeding at Patna as well as the admissible traveling allowance commensurate with his status.

With the aforesaid observation, the writ application stands disposed of.

(Anil Kumar Upadhyay, J)

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