

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15504 of 2019

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Dhanwant Kumar Singh S/o Late Ram Shankar Singh, Resident of Village
and PO Rasalpur, PS Patori (Mohanpur O.P.), Dist. Samastipur

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education
Department, Govt. of Bihar, Patna
2. The Principal Secretary, Panchayati Raj, Govt. of Bihar, Patna
3. The Director, Primary Education, Govt. of Bihar, Patna
4. The District Magistrate, Samastipur, Dist. Samastipur
5. The District Education Officer, Samastipur, Dist. Samastipur
6. The District Programme Officer, Establishment, Samastipur, Dist. Samastipur
7. The Prakhanda Shiksha Niyojan Samiti through its Chairman, Block-
Mohanpur, Dist. Samastipur
8. The Block Development Officer-cum-Secretary, Prakhanda Shiksha Niyojan
Samiti Block-Mohanpur, Dist. Samastipur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Pankaj Kumar Das
For the Respondent/s : Mr. Subhash Chandra Mishra (Sc16)

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 01-08-2019 Heard learned counsel for the petitioner and the
counsel appearing on behalf of the State.

Petitioner is aggrieved by the order of suspension
contained in Annexure-4.

Learned counsel for the petitioner would submit that
the decision to suspend the petitioner in contemplation of
departmental proceeding is dated 21.10.2016, We are in 2019.
Suspension cannot be used as a weapon to punish any
employee. Suspension cannot continue for indefinite period.



Learned counsel for the petitioner would submit that in terms of Rule 15 service rule applicable to the petitioner, the petitioner cannot be put under suspension for infinitum. The Petitioner has remained under suspension for more than two and half years.

Considering the aforesaid, the Court is not in a position to approve the order of suspension any further. The decision of suspension dated 21.10.2016 as communicated vide order dated 24.10.2016 cannot sustain. It is accordingly, quashed.

It goes without saying that the petitioner has to be paid subsistence allowances for the period the petitioner was put under suspension in one go within a period of 15 days from the date of receipt/production of a copy of this order and payment of regular salary on quashing of the order of suspension will follow forthwith.

With the aforesaid, the writ application stands disposed of.

(Anil Kumar Upadhyay, J)

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