

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.24942 of 2018

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Benkatesh Kumar @ Bankatesh Sharma son of late Girijesh Sharma, Resident of Village-Nutan Nagar, Sagarpath Road No.1, Police Station-Civil Line Gaya, District- Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar through the Director, Primary Education, Government of Bihar, Patna
2. The Collector-cum-District Magistrarte, District Aurangabad, Bihar
3. The District Education Officer DEO District Aurangabad, Bihar
4. The District Programme Officer DPO Establishment District Aurangabad Bihar
5. The Block Education Officer BEO Goh, district Aurangabad, Bihar

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Ajoy Kumar Chakraborty, Advocate
For the Respondent/s : Mr.Prabhakar Jha -GP-27

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

3 16-10-2019 The petitioner is aggrieved by the order of suspension dated 18.05.2017 passed in contemplation of departmental proceeding.

Earlier the petitioner was not even paid subsistence allowance but after intervention of this Court the petitioner has been paid subsistence allowance.

The suspension in contemplation of departmental proceeding is permissible but it cannot be used as a tool to deprive the employee a normal privilege as an employee. Putting the petitioner under suspension for nearly 2 ½ years is against the very concept of suspension in contemplation of



departmental proceeding.

Considering the fact that the petitioner is under suspension since 18.05.2017, the court is constrained to interfere with the order of suspension. It is, accordingly, quashed. Quashing of the order of suspension would not, in any manner, affect the pending departmental proceeding. However, the respondents have to conclude the departmental proceeding at the earliest preferably within a period of four months from today failing which the departmental proceeding shall also come to an end after the aforesaid period of four months.

With the aforesaid, the writ petition stands allowed and disposed of.

(Anil Kumar Upadhyay, J)

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