

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18613 of 2019

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Smt. Sharda Kumari, W/o Sri Sunil Kumar, Resident of 401, Chandan Deep Apartment, Arra Garden, Jagdeo Path, P.O.- B.V. College, Patna- 800014, P.S.- Rupaspur, District- Patna and presently the Head Master, Rajkiya Buniyadi Vidyalaya, Tengrahi, Gopalganj, District- Gopalganj.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Govt. of Bihar, Patna.
2. The Director (Primary Education), Education Dept., Govt. of Bihar, Patna.
3. The Regional Education Deputy Director, Patna Division, Patna.
4. The District Education Officer, Patna.
5. The District Programme Officer (Estb.), Patna.
6. The District Programme Officer (Estb.), Muzaffarpur.
7. The District Education Officer, Muzaffarpur.
8. Smt. Shashi Lata Kumari, Block Education Officer, Ghosi, Jehanabad, (Ex. H.M. Rajkiya Buniyadi Vidyalaya, Sadaqat Ashram, Patna).

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Mahendra Prasad Verma, Advocate
For the Respondent/s : Mr. Amit Bhushan, AC to GP-17

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 23-09-2019 Heard learned counsel for the parties.

2. The petitioner has put to challenge an order dated 12.07.2019, issued by the Director, Primary Education, Government of Bihar whereby she has been put to suspension pending departmental proceeding against her.

3. Learned counsel for the petitioner does not dispute that a departmental proceeding has been initiated against the petitioner and an Enquiry Officer has been



appointed, as is evident from the order itself.

4. Learned counsel appearing on behalf of the petitioner has submitted that the departmental enquiry has been initiated against her on baseless charges and, therefore, the entire exercise of initiation of departmental proceeding and issuance of the order of suspension are bad in law.

5. I do not need to comment on the said submission made on behalf of the petitioner that the charges are baseless for initiation of a departmental proceeding, on the basis of the statements which have been made in the writ application. The charges as framed do constitute misconduct.

6. Since the departmental proceeding has been initiated and the disciplinary authority has jurisdiction to put an employee under suspension during pendency of departmental proceeding, the impugned order does not require interference by this Court. It is, however, directed that let the departmental proceeding against the petitioner be expedited and concluded within six months from the date of receipt/ production of a copy of this order. If the departmental enquiry is not concluded within six months, the order of suspension shall stand revoked. It is further directed that the respondents shall ensure that the petitioner is paid her



subsistence allowance during pendency of suspension in
accordance with law.

7. The writ application stands disposed of with the
observations and directions above.

(Chakradhari Sharan Singh, J)

Rajesh/-

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