

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.23209 of 2018

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Ram Bharosh Singh, Son of Late Newa Lal Singh, Resident of Village-Kararahi, P.S.-Marauna, District-Supaul.

... .. Petitioner/s

Versus

1. The State Of Bihar through Principal Secretary, Education Department, Government of Bihar, Patna.
2. The District Magistrate, Supaul.
3. The District Programme Officer (Estb.), Supaul.
4. The District Education Officer, Supaul.
5. The Block Education Officer, Marauna, District-Supaul.
6. The Block Education Officer, Pratapganj, District-Supaul
7. The Drawing and Disbursing Officer,

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Yogesh Chandra Verma, Sr.Adv.
For the Respondent/s : AC to SC-28

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 11-06-2019 Heard Mr. Yogesh Chandra Verma, learned senior

counsel for the petitioner and learned AC to SC-28 representing

the State.

Learned senior counsel for the petitioner submits that

in the nature of the prayer made by the petitioner, this writ
application may be disposed off at this stage without inviting
any counter affidavit. It is submitted that the petitioner has made
a representation vide Annexure-6 to the writ application before
the District Education Officer, Supaul. In his representation, he
has prayed for payment of his full salary for the suspension



period as it is his case that in course of departmental proceeding initiated against him the charges levelled against him were not proved before the inquiry officer.

Learned senior counsel has pointed out from Annexure-3 to the writ application that the District Programme Officer (Establishment), Supaul, who was the inquiry officer, had submitted his report in this regard and thereafter the disciplinary proceeding seems to have been abandoned. However, on the basis of the inquiry report, the suspension of the petitioner has been revoked. Learned senior counsel submits that since the departmental proceeding against the petitioner has been abandoned and his suspension has been revoked in view of the inquiry report, as contained in Annexure-3, the petitioner would be entitled for his full salary.

Learned counsel for the State submits that, at this stage, when the petitioner has made a representation before the District Education Officer, Supaul, this Court may dispose off this writ application with a direction to the District Education Officer, Supaul to take an appropriate view of the matter, consider the representation of the petitioner and to take a decision independently in the given facts and circumstances of the case in accordance with law.



Having heard learned senior counsel for the petitioner and learned counsel for the State, this Court is of the considered opinion that the representation, as contained in Annexure-6 to the writ application, is required to be considered by the District Education Officer, Supaul and an independent view of the matter is required to be taken within a reasonable period.

The District Education Officer, Supaul is hereby directed to consider the representation of the petitioner, as contained in Annexure-6 to the writ application, and take an appropriate decision thereon within a period of thirty days from the date of receipt/production of a copy of this order. In case, the representation of the petitioner is acceptable, the admitted amount shall be paid to the petitioner within the next thirty days. However, in case, the representation is not acceptable, the reasons for the same will be provided to the petitioner within the aforesaid period.

This writ application stands disposed off accordingly.

(Rajeev Ranjan Prasad, J)

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