

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.22347 of 2018

Arvind Kumar Ajay Son of Sri Vindeshwari Mandal, Resident of at-
Jairampur, P.S.P.O.- Murliganj, District- Madhepura- 852122.

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The Registrar, Cooperative Society, Bihar, Patna.
3. The Deputy Secretary Vigilance, Cooperative Department, Government of Bihar, Patna.
4. The Joint Registrar Audit Cooperative Societies, Bihar, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Anand Kumar Ojha
For the Respondent/s : Mr.Syed Iqbal Ahmad- Sc20

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 08-06-2020 The writ application has been filed seeking quashing of Memo. No. 2512 dated 27.07.2018 followed by Memo. No. 2519 dated 27.07.2018, whereby, the petitioner has been put under suspension in exercise of power conferred under Rule 9(1) (a) of Bihar Government Servant (Classification Control and Appeal) Rules, 2005.

A counter affidavit has been filed on behalf of the respondent State of Bihar.

Mr. Anand Kumar Ojha, learned counsel appearing on behalf of the petitioner, on instructions, has submitted that though the departmental enquiry has concluded, but no final



decision has so far been taken by the disciplinary authority.

He has challenged the correctness of the impugned order and has contended that there has been breach of the provisions under Rule 32 (1) (7) of the Rules of Executive Business, 1979.

He has submitted that the petitioner on the date, when he has put under suspension, was holding Class I post under the State Government and, therefore, approval of the Chief Minister was required before taking a decision to put the petitioner under suspension.

Be that as it may, since foundational facts are missing in the pleadings of the writ application to support the grounds taken to assail the impugned order of being in breach of Rule 32 (1) (7) of the Rules, except for the statement that there has been breach of Rule 32 (1) (7) of the Rules, there is no averments anywhere in the writ application, to show as to how there has been such breach. In the absence of pleadings, the Court cannot enter into the question of correctness of the order of suspension on that ground.

Considering the facts and circumstances, this application is disposed of with a direction to the respondent State of Bihar to take a final decision in the departmental



proceedings within two months from the date of receipt/production of a copy of this order.

(Chakradhari Sharan Singh, J)

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