

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3088 of 2020

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Rambilas Manjhi Son of Sri Sheobachan Manjhi, Resident of Village-Rampur
Khareya, Tola- Bhuwala, P.S. Kuchaikote, District- Gopalganj.

... .. Petitioner

Versus

1. The State of Bihar through Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Department of Education, Government of Bihar, Patna.
3. The Director, Secondary Education, Department of Education, Government of Bihar, Patna.
4. The Regional Deputy Director of Education, Saran.
5. The District Magistrate, Gopalganj.
6. District Education Officer, Gopalganj.
7. District Programme Officer, Establishment, Gopalganj.
8. The District Programme Officer, National Project of Secondary Education, Gopalganj.

... .. Respondents

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Appearance :

For the Petitioner : Mr. Jeetendra Narayan, Advocate
For the Respondents : Smt. Binita Singh SC28

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 24-02-2020 Heard learned counsel appearing on behalf of the

petitioner and learned counsel appearing on behalf of the State.

The petitioner is aggrieved by the order of suspension
dated 04.07.2019 passed by the Director, Secondary Education,
Government of Bihar, Patna (Annexure-3).

Learned counsel for the petitioner submits that the
petitioner is not even getting subsistence allowance for the
period of suspension.

Suspension is not cessation of master servant relation
and payment of subsistence allowance is essential precondition



for suspension and initiating departmental proceeding. In the present case, the petitioner was put under suspension on 04.07.2019 but he was not paid subsistence allowance for more than nine months. Non-payment of subsistence allowance vitiates the entire departmental proceeding. The law in this regard is well settled. The Supreme Court has occasion to decide such issue in the case of **State of Maharashtra Vs. Chandrabhan Tale**: AIR 1983 SC 803 and in the case of **M. Pal Anthony Vs. Bharat Gold Mines Ltd. & Anr.**: [(1999) 3 SCC 679].

In view of the principle laid down by the Apex Court, the present writ application is disposed of with a direction to the respondents to ensure payment of arrears of subsistence allowance within one month failing which the departmental proceeding shall cease to exist after expiry of one year. If the subsistence allowances are paid to the petitioner, departmental proceeding shall be concluded within a period of four months from the date of receipt/production of a copy of this order.

(Anil Kumar Upadhyay, J)

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