

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
Civil Writ Jurisdiction Case No.11756 of 2019**

Ram Naresh Manjhi Son of Late Ramashish Manjhi Resident of Village-Padwan Lahladpur, P.S.-Manjhagarh, District-Gopalganj, Presently, Chowkidar, 8/4, P.S.-Manjhagarh, District-Gopalganj (Now Suspended).
... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Department of Home, Government of Bihar, Patna.
2. The Director General of Police, Bihar, Patna.
3. The Deputy Inspector General of Police Saran (Chapra)
4. The District Officer-cum-District Magistrate, Gopalganj.
5. The Superintendent of Police, Gopalganj
6. The Deputy Superintendent of Police, Sadar, District-Gopalganj
7. The Sub-Divisional Officer, Hathua, District-Gopalganj
8. The Circle officer, Manjhagarh, District-Gopalganj

... .. Respondents

Appearance :

For the Petitioner/s : Mr.Upendra Yadav, Advocate
For the Respondent/s : Mr.Md.N.H.Khan (Sc1)

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

3 08-06-2020 Heard learned counsel for the petitioner and Mr. N. H. Khan, learned SC 1 for the State.

In the nature of the order proposed to be passed, learned counsel for the parties agree that the writ application may be disposed of without inviting counter affidavit.

The petitioner in the present case is seeking to challenge the order dated 29.10.2018 contained in Memo No. 09/५० issued by the Respondent District Officer-District Magistrate, Gopalganj.

Facts of the case would reveal that the petitioner has been placed under suspension by the impugned order invoking



Rule 9 of the Bihar Government Servants (Classification, Control & Appeal) Rules, 2005 fixing his headquarter, Sub-Divisional Officer, Hathua, Gopalganj. Anchladhikari, Manjhagarh was directed to ensure preparation of framing of charge on प्रपत्र 'क'.

It is the case of the petitioner that at the relevant time he was posted as Chowkidar in Maharajganj Police Station, District-Gopalganj. On 01.10.2018 the A.S.I. Excise seized one truck containing 154.120 foreign liquor. One person was arrested in connection with the said case. Next day on a confidential information house of one Jaiki Mahto was raided from where also illicit liquors were recovered. In the aforementioned background of facts the Superintendent of Excise sent a letter to the District Officer, Gopalganj and raised a suspicion on the role of this petitioner. The petitioner was thereafter placed under suspension.

It is his submission that no show cause or explanation was ever called for from him. By filing a supplementary affidavit the petitioner has stated that प्रपत्र 'क' has been served upon him and in course of departmental proceeding he has submitted his show cause denying the allegation with a prayer to exonerate him from departmental proceeding and revoke his suspension but till date the suspension has not been revoked.

It is stated that in similar circumstance the District Magistrate, Gopalganj has already revoked the suspension of one



Gorakh Singh in view of order dated 11.07.2018 passed by a learned co-ordinate Bench of this Court passed in C.W.J.C. No. 13778 of 2017 but the case of this petitioner has not been considered.

In the given facts and circumstances of the case, this Court having perused the order passed by the learned co-ordinate Bench of this Court in C.W.J.C. No. 13778 of 2017 directs the respondent authorities to take a final decision in the departmental proceeding against the petitioner within a period of three months from today, failing which the impugned order of suspension will be treated to have been vacated and shall lose its significance and the petitioner shall be posted after revoking his suspension.

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

(Rajeev Ranjan Prasad, J)

avin/-arvind

U			
---	--	--	--

Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

