

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
Civil Writ Jurisdiction Case No.12492 of 2019**

Kangresh Manjhi Son of Nathuni Manjhi, Resident of Village- Pratappur, Anchal and P.S. Manjha(Manjhagarh), District- Gopalganj, Presently Posted as Chowkidar (Under Suspension), Halka No. 5/6, P.S. Manjha (Manjhagarh), District- Gopalganj.

... .. Petitioner/s

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, Chapra, Saran.
4. The District Officer-Cum-District Magistrate, Gopalganj.
5. The Superintendent of Police, Gopalganj.
6. The Circle Officer, Anchal- Manjhagarh, District- Gopalganj.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Upendra Yadav
For the Respondent/s : Mr.Manish Kumar (Gp4)

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

3 08-06-2020 Heard learned counsel for the petitioner and Mr. Manish Kumar, GP 4 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.

Petitioner in the present case is seeking to challenge the order dated 06.01.2018 as contained in Memo No. 15 (Annexure '1') issued by the respondent District Officer-cum-District Magistrate, Gopalganj whereby and whereunder the petitioner has been placed under suspension by Rule 9 of the Bihar Government



Servants (Classification, Control & Appeal) Rules, 2005 fixing his headquarter, Sub-Divisional Officer, Hathua, Gopalganj. Anchladhikari, Manjha 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 Manjha Police Station, District-Gopalganj. On 30.10.2017 the S.H.O.of Manjhagarh Police Station on the basis of confidential information raided at village Balua Tola and Bankunthpur Mathiya upon which illegal wine was recovered from possession of one Bam Pasi and others and the S.H.O. recommended for administrative Action against the petitioner for not giving information in this regard.

In the aforementioned background of facts the Superintendent of Police, Gopalganj 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 has not been entertained.

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)

SUSHMA2/-
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'.

