

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.24531 of 2019

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Chintu Minu Wife of Aravind Ravidas Resident of Village- Babhangama,
Anchal and P.S.- Barahat, District Banka, the then Incharge Headmaster at
Upgraded Middle School, Beltikari, P.S.- Baunsi, District- Banka.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department,
Government of Bihar, Patna.
2. The Regional Deputy Director of Education Bhagalpur.
3. The District Education Officer Banka, District- Banka.
4. The District Programme Officer (Establishment) Banka.
5. The Headmaster Middle School, Beltikari, P.S.- Baunsi, District- Banka.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Satyendra Narayan Singh
For the Respondent/s : Mr.Prabhakar Jha (Gp27)

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

3 09-06-2020 Heard learned counsel for the petitioner and the

respondents.

The petitioner has filed the present writ application
for the following reliefs:

“i) For issuance of an appropriate writ in
the nature of Certiorari for quashing of Memo No.
2459 dated 29.06.2013, whereby and whereunder the
petitioner has been put under suspension and further
for a direction to pay the subsistence allowance from
29.06.2013 till date, as nothing has been paid to the
petitioner during suspension period.

ii) For issuance of a writ in the nature of
Mandamus commanding and directing the
respondents to take final decision in view of the



enquiry report submitted by the Enquiry Officer, vide letter no. 25 dated 08.01.2015, by which the Enquiry Officer has come to the conclusion that no case is made out against the petitioner.”

Learned counsel for the petitioner submits that the petitioner was put under suspension on 29.06.2013 and he was subjected to enquiry. In the departmental proceeding, the petitioner has submitted his explanation. He further submits that the enquiry officer has submitted report on 08.01.2015 exonerating the petitioner from all the charges. He further submits that the petitioner has not been paid subsistence allowance, although he was put under suspension since 29.06.2013.

Considering the fact that the petitioner was put under suspension since 29.06.2013 the order of suspension (Annexure-1) is quashed. The writ application is disposed of with a further direction to the respondents to take final decision on the enquiry report dated 08.01.2015 within a maximum period of 60 days from the date of receipt/production of a copy of this order.

In the meanwhile, within a maximum period of 15 days from the date of receipt/production of a copy of this order, the respondents shall make payment of entire subsistence allowance from 29.06.2013 till today, failing which the



departmental proceeding shall come to an end after expiry of 15 days and the petitioner shall be entitled to full salary from 29.06.2013 till date along with 9% interest.

With the aforesaid, the writ application stands disposed of

(Anil Kumar Upadhyay, J)

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