

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.23770 of 2019

Dr. Jitendra Prasad Son of Sri Rameshwar Prasad, Resident of Aparajita,
Ward No. 8 Bhagwati Colony Chauhatta, Police Station- Hajipur, District-
Vaishali, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar, Principal Secretary, Health Department Government of Bihar, Patna.
2. The Special Secretary, Health Department, Government of Bihar, Patna.
3. The General Director (Ayush) Health Department Bihar, Patna.
4. The Additional Regional Director Health Service Saran Division, Sonapur, Saran.
5. The District Magistrate Cum Chairman District Health Committee, Saran.
6. The Civil Surgeon Cum Chief Medical Officer, Saran.
7. The Incharge Medical Officer, Primary Health Center, Sonpur.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar Upadhyay, Advocate
For the Respondent/s : None.

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 14-01-2020 Heard learned counsel for the parties.

2. The petitioner has questioned the notification issued by the Department, Government of Bihar, dated 19.08.2019 whereby he has been put under suspension. The petitioner was posted as Ayurvedic Medical Officer, Additional Primary Health Centre, Nayagaon, Saran.

3. Learned counsel appearing on behalf of the petitioner has argued that the said order of suspension has been passed without holding any enquiry and without giving the



petitioner an opportunity of hearing.

3. There is no representation on behalf of the Respondent State of Bihar.

4. Copy of the Notification dated 19.08.2019 has been brought on record by way of Annexure-1 to the writ application, from which, it appears that the said notification has been issued in-exercise of power conferred under Rule 9 of Bihar Government Servants (Classification, Control and Appeal) Rules, 2005. The notification however, does not disclose as to whether any disciplinary proceeding is contemplated or not. It has been submitted by the learned counsel for the petitioner that till date, no disciplinary proceeding has been initiated against him.

5. Rule 9(7) of the Rule reads thus:

“Charge-sheet must be framed within three months from the date of issue of suspension order failing which on expiry of three months, the suspension order shall be revoked unless the authority, which issued the suspension order, passes the order renewing the suspension alongwith reasons to be recorded in writing for the delay in framing of charge-sheet for a further period of four months:

Provided that after the expiry of extended period of four months the suspension order shall stand revoked if the charge-sheet is not framed”.



6. This writ application is thus disposed of with an observation that if no charge sheet has been framed within three months from the date of issue of suspension order, the suspension order shall be treated to have been revoked.

7. This writ application is disposed of with the observation as noted above.

(Chakradhari Sharan Singh, J)

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