

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8158 of 2020

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Ashok Kumar Son of Late Dhaneshwar Singh, Resident of Village-
Fatehpurwala, P.s.- Musarigharai, District- Samastipur

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Education Department,
Government of Bihar, Patna
2. The Principal Secretary, Education Department, Government of Bihar, Patna
3. The Director, Primary Education, Government of Bihar, Patna
4. The District Magistrate, Samastipur, District- Samastipur
5. The District Education Officer, Samastipur, District- Samastipur
6. The District Programme Officer, Establishment (Education) Samstipur,
District- Samastipur
7. The Block Development Officer, Block- Tajpur, District- Samastipur
8. The Block Education Officer, Block- Tajpur, District- Samastipur
9. The Mukhiya, Gram Panchayat Raj, Gauspur Sarsauna, Block- Tajpur,
District- Samastipur
10. The Panchayat Secretary, Gram Panchayat Raj, Gauspur, sarsauna, Block-
Tajpur, District- Samastipur

... .. Respondents

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Appearance :

For the Petitioner/s : Mr.Mrityunjay Kumar
For the Respondent/s : Mr. Jitendra Kumar Roy, SC-13

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**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN
SINGH**

ORAL ORDER

5 23-03-2021 The petitioner, while working as Panchayat Teacher

at Gram Panchayat Raj Gauspur Sarsauna in the district of

Samastipur, came to be put under suspension with the issuance

of an order dated 26.01.2020 by the Mukhiya of the said Gram

Panchayat on the basis of a communication of the same date

addressed to the Mukhiya by the District Education Officer,

Samastipur. The petitioner has put to challenge the said two

order in the present writ application. From the materials on



record, it transpires that there is allegation against the petitioner of misappropriation of public money, which is the reason why the impugned decision to put the petitioner under suspension has been taken purportedly under Clause (g) of Rule 15 of The Bihar Panchayat Prarambhik Shikshak (Niyojan Evam Seva Shart) Niyamawali, 2012, which, *inter alia*, prescribes for placing a teacher governed by the said rule under suspension.

Learned counsel appearing on behalf of the petitioner has submitted that till date no disciplinary proceeding has been initiated even after lapse of more than one year from the date with effect from which the petitioner has been put under suspension. This fact has not been disputed in the counter affidavit filed on behalf of the State of Bihar.

Considering the facts and circumstances, this application is disposed of with a liberty to respondents No. 9 and 10 to initiate a departmental proceeding. If it is intended to initiate such proceeding, let the same be done expeditiously and concluded within a period of three months from the date of receipt/production of a copy of this order.

Since the petitioner has remained under suspension for more than one year without initiation of the departmental proceeding, the Court observes that in case the departmental



proceeding is not concluded within three months from the date of receipt/production of a copy of this order, the order of suspension shall stand quashed and become inoperative. It goes without saying that the petitioner shall be required to cooperate in expeditious conclusion of the departmental proceeding.

The Court further directs the concerned respondents to ensure that the petitioner is paid his subsistence allowance/arrears of subsistence allowance at the rate of 50% of his salary in the meanwhile, if not already paid.

This writ application stands disposed of in terms of the above directions and observations.

(Chakradhari Sharan Singh, J)

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