

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.18720 of 2019**

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Chandan Puri son of Sri Arun Kumar Puri resident of Mohallah- Sri Krishna Nagar, P.S. Town, P.O.- Motihari, District- East Champaran (Bihar).

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Home Department, Government of Bihar, Patna.
2. Principal Secretary, Home Department, Government of Bihar, Patna.
3. The Director General of Police, Government of Bihar, Patna.
4. The Inspector General of Police (Headquarter), Government of Bihar, Patna.
5. The Deputy Secretary, Home Department (Police), Government of Bihar, Patna.

... .. Respondent/s

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**Appearance :**

For the Petitioner/s : Mr.Raju Giri, Adv.  
For the Respondent/s : Mr.Sheo Shankar Prasad (Sc8)

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**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH**  
**ORAL ORDER**

6      29-04-2021      The present petition has been taken up for consideration through the mode of Video conferencing in view of the prevailing situation on account of COVID 19 Pandemic, requiring social distancing.

The present writ petition has been filed seeking the following reliefs:-

"(i). To issue an appropriate writ / order / direction in the nature of certiorari for quashing the memo no. 9034 dated 17.11.2016 issued by the Deputy Secretary, Home Department



(Police), Government of Bihar, Patna by which on being arrested the petitioner was suspended in purported exercise of power under Rule 9(1)(a) & (c) of the Bihar Government Servants (Classification, Control & Appeal) Rules, 2005.

(ii). To issue an appropriate writ / order / directions in the nature of mandamus commanding the respondents to increase the amount of subsistence allowance to the petitioner in terms of Rule 10(1)(i) of the Bihar C.C.A. Rules 2005 on completion of one year of suspension and to make payment of the arrears.

(iii) To issue an appropriate writ / order/direction, commanding the Respondents not to examine the common witnesses of Criminal Trial of Special Case No. 52 of 2016 arising out of Vigilance Police Station Case No. 116 of 2016 pending in the court of learned Special Judge, Vigilance (Trap), Patna and that of the Departmental Proceeding till the witnesses are examined in the criminal trial.

At the outset, the learned counsel for the



petitioner has referred to an order passed by a coordinate Bench of this Court in CWJC No. 24020 of 2018, which is dated 09.06.2020 (Ghulam Mustafa Ansari vs. The State of Bihar & Ors.) and has submitted that the order of suspension of the petitioner was passed along with the petitioner of the said case, namely, Ghulam Mustafa Ansari, and in his case, this Court had directed to conclude the departmental proceeding within a period of six months, failing which it was directed that the order of suspension shall be deemed to have been revoked. It is submitted that the respondents-State could not complete the departmental proceeding within the time stipulated by this Court in the case of Ghulam Mustafa Ansari, thus his suspension has already been revoked. Therefore, it is submitted that since the case of the petitioner is similar to Ghulam Mustafa Ansari, similar orders may be passed in the present case.

Having heard the learned counsel for the parties & having considered their respective submissions, I am persuaded to take a similar view



as has been taken by a coordinate Bench of this Court in the case of Ghulam Mustafa Ansari (supra).

Accordingly, the present writ petition stands disposed of with a direction to the disciplinary authority to conclude the departmental proceeding within a period of five months from the date of receipt / production of a copy of this order, after affording full opportunity to the petitioner to defend his case, failing which the order of suspension of the petitioner dated 17.11.2016 shall stand revoked automatically.

With the aforesaid directions, the present writ petition stands disposed of.

**(Mohit Kumar Shah, J)**

Ajay/-

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