

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5236 of 2021

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Bijay Kumar Gupta, Son of Sri Janki Prasad Gupta, Resident of Ward No. 26,
Shahpur, P.S. and District- Aurangabad.

... .. Petitioner/s

Versus

1. The State of Bihar through the Director, Secondary Education, Govt. of Bihar, Budh Marg, Patna.
2. The Director, Secondary Education, Govt. of Bihar, Budh Marg, Patna.
3. The Regional Deputy Director of Education, Magadh Division, Gaya.
4. The District Education Officer, Aurangabad.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Bipin Bihari Singh, Advocate
For the Respondent/s : Mr. J. K. Roy-1, SC-13

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
ORAL JUDGMENT

Date : 24-01-2022

This matter is heard via video conferencing due to
circumstances prevailing on account of COVID-19 Pandemic.

2. Heard learned counsel for the parties.

3. In the instant petition, the petitioner has prayed for the
following reliefs:

“That the present writ petition is for setting aside the order in
Letter No. 9/ सा. प्र. आ.-106/ 2020/6L dated 07.01.2021
issued under the authority of Director, Secondary Education,
Govt. of Bihar, Patna to Regional Deputy Director of
Education, Magadh Division, Gaya for a process to
suspension to petitioner and compliance report referring the
recommendation of District 31.03.2020 for disciplinary/
departmental actions as per recommendation holding the
concern officer is competent authority for such process
ignoring the procedure prescribed and law settled that the
superior authority can't direct for disciplinary action against
individual and its compliance reports rather the entire action
were required to be left open for statutory authority for
purpose of consideration on basis of their wisdom and light of
law reflected therein and for other necessary relief/ relief's to



the basis of facts and circumstances of the case stated and discussed hereinafter.”

4. Learned counsel for the respondents, on instruction submitted that the disciplinary enquiry has been completed and it is in the final stage. If it is so, there is no point in continuing the petitioner under suspension. Therefore, the concerned respondent is hereby directed to undertake review of suspension in the light of the Apex Court decision in the case of **Ajay Kumar Choudhary Vs. Union of India through its Secretary and another** reported in **(2015) 7 SCC 291**.

5. The concerned respondent is hereby directed to undertake review of suspension as to whether the suspension is warranted even to this day or not? If it is not warranted, then necessary speaking and reasoned order shall be passed by the concerned respondent. Even if it is warranted, reasoned order shall be passed as to why the petitioner shall be continued to be under suspension.

6. The above exercise must be completed within a period of one month from the date of receipt of a copy of this order.

7. The writ petition stands disposed of.

uday/-

(P. B. Bajanthri, J)

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	28.01.2022
Transmission Date	NA

