

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6307 of 2021

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Iftekhhar Ahmad Son of Makbool Ahmad Resident of Mohalla- Rahamkhan,
P.o.- Lalbagh, P.s.- Hayaghat, District- Darbhanga, at present suspended
Panchayat sevak, Baheri Block, District- Darbhanga

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal secretary, Panchayati Raj
Department, Govt. of Bihar, Patna
2. The District Magistrate, Darbhanga
3. The Deputy Development Commissioner, Darbhanga
4. The District Panchayati Raj Officer, Darbhanga
5. The Block Development Officer, Baheri Block, Darbhanga

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Bipin Kumar
For the Respondent/s : Mr.Lalit Kishore (Ag)

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

Date : 07-02-2022

The matter is heard via video conferencing due to
circumstances prevailing on account of the COVID-19 pandemic.

2. State counsel accepts notice for the respondents.

3. Counsel for the petitioner is hereby directed to serve
copy of the writ petition to the counsel for the State/respondents.

4. In the instant petition, petitioner has prayed for the
following relief/reliefs:

“(i) For issuance of writ in the nature of
Certiorari for quashing the order dated 12.09.2019 vide
Gyapank No. 1920 issued by the Respondent No. 4 by
which petitioner put under suspension and already 1
year 5 months have been lapsed but till date no
Pratpatra-K has been issued against the petitioner and



prolonged suspension is against the Rule – 9 (explanation – 7) of CCA Rules, 2005.

(ii) For a direction to the respondent authorities to pay the subsistence allowance of the petitioner who is dues from 22.08.2019 to 31.12.2019 and from 01.07.2020 to till date and other consequential benefits for which the petitioner is entitled.

(iii) For any other relief/reliefs if petitioner found entitle in the facts and circumstances of the present case.”

5. Petitioner has been placed under suspension on 12.09.2019 and it has not been revoked till date. Apex Court deprecated prolonged suspension, therefore, the suspending authority is hereby directed to undertake review of suspension as to whether continuation of suspension of the petitioner is warranted or not? He is hereby directed to take a decision in the light of 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*** before continuation of suspension of the petitioner.

6. The above exercise shall be undertaken within a period of two months from the date of receipt of this order. If continuation of suspension is warranted, in that event, detailed speaking order shall be passed. If the continuation of suspension is not warranted, in that event, revocation order shall be passed. The concerned respondent is hereby directed to pay subsistence



allowance from time to time and in accordance with law within a period of two months from the date of receipt of this order.

7. With the above observation, writ petition stands disposed off.

(P. B. Bajanthri, J)

GAURAV S./-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

