

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7507 of 2021

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Dinesh Chandra Rajak Son of Rameshwar Rajak Resident of village- Sahsi,
P.O.- Sahsi, P.S.- Alauli, District- Khagaria

... .. Petitioner/s

Versus

1. The State of Bihar through Collector, Khagaria
2. District Programme Officer, Khagaria
3. District Education Officer, Khagaria
4. Block Development Officer cum Secretary, Prakhanda Niyojan Officer,
Alauli, Khagaria
5. Block Education Extension Officer, N/A

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Poddar Suresh Gandhi
For the Respondent/s : Mr. Girijish Kumar

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

Date : 10-02-2022

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

2. State counsel accept notice for respondents.
Petitioner's counsel to serve copy of the petition to the State
counsel, if it is not already served.

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

“(1) That this writ petition has
been filed in the nature of Certiorari for
quashing the suspension of petitioner
passed by the District Programme officer,
Prathmic Shiksha and Sarv Shiksha



Abhiyan, Khagaria after approval of District Education Officer, Khagaria vide letter no. cw/1101 dated 19.7.2017 and Prapatra 'K' dated 4.4.2018 issued by District Programme Officer, Khagaria vide Letter no.- 144 dated 4.4.2018 along with charge on the ground that Prapatra 'K' has been initiated after six years of the incident in the school whereby all materials of Building construction has been looted by the miscreants for which the petitioner has been suspended twice, once in the year 2015 i.e. 18.3.2015 and another in the year 2017 i.e. on 19.7.2017 without any enquiry and departmental proceedings. Suspension of petitioner has been revoked on 27.4.2016 after one year of suspension. Proceedings has been taken without following the procedure of Bihar CCA rules 2005 which is wholly miscarriage of justice and against the rule of law. Respondents has also not given proper opportunity to the petitioner or show cause notice about the case which is also violation of natural justice."

4. Petitioner was placed under suspension on 19.07.2017. The suspending authority has not undertaken review of suspension in revoking the order of suspension despite lapse of nearly four and half years. At the same time, departmental proceedings have not been concluded. Apex Court time and again held that prolong suspension of an employee is deprecated. Assuming that petitioner's suspension is to be continued, the suspending authority is required to undertake review of suspension as to continuation of his suspension or



not?

5. Therefore, the suspending authority is hereby directed to undertake review of suspension by taking note of decision of Apex Court rendered in the case of *Ajay Kumar Chaudhary V. Union of India* reported in *(2015) 7 SCC 291*. Further if the petitioner is paid subsistence allowance from time to time, may also be examined and decided. The above exercise shall be completed within a period of one month from the date of receipt of this order.

6. With the aforesaid observations, the instant petition stands disposed of.

(P. B. Bajanthri, J)

rakhi/-

AFR/NAFR	
CAV DATE	
Uploading Date	24.02.2022
Transmission Date	

