

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3446 of 2021

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Ajay Kumar Singh, Son of late Ram Bilash Singh, Resident of Village-
Mahua Bigha, Kosiawan, P.S. Koshiyawan, District- Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar through its Secretary, Patna.
2. The Director General of Police, Bihar, Patna, Old Secreteriate, Patna.
3. The Inspector General of Police, Saran Zone, Chhapra.
4. The Deputy Inspector General Saran Zone, Chhapara.
5. The Superintendent of Police, Sivan.
6. The Deputy Superintendent of Police, Sivan.
7. The Sub- Divisional Police Officer-cum- Enquiry Officer, Maharajganj.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Vibhakar Kumar, Advocate
For the Respondent/s : Mr. Md. Nadim Seraj, GP-5

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

Date : 29-01-2022

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

2. State counsel accepts notice for the respondents.

3. Learned counsel for the petitioner is hereby directed
to furnish copy of the writ petition to the learned counsel for the
respondents.

4. Heard learned counsel for the parties.

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

“(i) To issue an appropriate writ or writs, order or
orders, direction or direction in the nature mandamus



commanding the respondent to cancel the effect of suspension order of the respondent no.4 which is in disfavor of the petitioner and may be given promotion to the petitioner in his department.

(ii) To any other relief or reliefs for which the petitioner is found entitled to the facts and circumstance.”

6. Learned counsel for the respondents submitted that the petitioner has a statutory remedy of appeal before the appellate authority.

7. Having regard to the fact that suspension order is dated 21.03.2018, the suspending authority is required to undertake review of suspension from time to time, the same is not undertaken. In other words, whether the petitioner is required to be continued under suspension beyond six months or not? The Apex Court in the case of **Ajay Kumar Choudhary Vs. Union of India through its Secretary and another** reported in **(2015) 7 SCC 291** deprecated prolonged suspension.

8. Therefore, the suspending authority is hereby directed to undertake review of suspension. If continuation of suspension is warranted, in that event, necessary speaking order shall be passed and communicate the same to the petitioner as to why the petitioner is to be continued under suspension even to this day. If the continuation of suspension is not warranted, in that event, the



suspension order shall be revoked with a rider that revocation is subject to outcome of the disciplinary/ criminal proceedings.

9. The above exercise shall be completed by the concerned respondent within a period of three months from the date of receipt of this order.

10. The writ petition stands disposed of.

(P. B. Bajanthri, J)

uday/-

AFR/NAFR	NAFR
CAV DATE	NA
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Transmission Date	NA

