

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20918 of 2021

Vijendra Prasad Son of Late Etawari Mahto, Resident of Village - Bhanjal Bigha, Police Station- Noorsarai, District - Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar though, the Director General of Police, Bihar, Patna.
2. The Director-General of Police, (Police Head Quarter) Sardar Patel Bhawan, Bailey Road, Patna.
3. The Principle Secretary, Personnel and Administration, Bihar, Patna.
4. The Home Secretary, Bihar, Patna.
5. The Additional Director-General of Police (Wireless/Tech. Services) Bihar, Patna.
6. The Deputy Inspector General of Police (Wireless/Tech. Services) Bihar, Patna.
7. The Senior Superintendent, Police, Bhagalpur, District - Bhagalpur.
8. The Superintendent of (Wireless), Bihar, Patna.
9. The Police Inspector (Operator) Bihar Police Radio, Bhagalpur.
10. The Sub Inspector (Operator) (Sukhdeo Kishku), Bihar Police Radio, Bhagalpur.
11. The Sub Inspector, (Vijay Kumar Yadav), Bihar Police Radio, Bhagalpur.
12. The Sub Inspector, (Shiv Jee Singh) Bihar Police Radio, Bhagalpur.
13. The Sub Inspector (Navin Kumar), Bihar Police Radion, Bhagalpur.
14. The Constable (Nakul Yadav), Bihar Police Radio, Bhagalpur.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Rabindra Prasad Singh, Advocate
For the Respondent/s : Mr. Md. Nadim Seraj (GP 5)

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

Date : 28-03-2022

Heard learned counsel for respective parties.

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

“(i) For issuance of an order/ orders/ direction/directions/writ in the nature of Certiorari for setting aside the



order dated 21.10.2021 vide Office Order No. 327 of 2021 and Memo No. 1049/R.0.sig. Patna dated 21.10.2021- passed by the Superintendent of and Police (Wireless) Bihar, Patna whereby where under the Respondents have suspended to the petitioner without issuing any show cause notice to the petitioner and also pay held out to the petitioner whether is totally violation of principle of natural Justice.

(ii) And further for issuance of appropriate order/orders/direction/directions writ in the nature of Mandamus directing and commanding to the Respondents to revoke the suspension of the petitioner and to pay arrears of salary with statutory interest for the ends of justice.

(iii) And further be pleased to grant other relief/relieves as the petitioner is entitled for.”

Undisputedly, petitioner has statutory remedy of appeal against order of suspension dated 21.10.2021 before the next higher authority to that of Superintendent of Police (Wireless) Bihar, Patna.

Accordingly, the present petition stands disposed off as premature reserving liberty to the petitioner to prefer an appeal before the appellate authority within a period of eight weeks from the date of receipt of this order. If such appeal is filed, the appellate authority is hereby directed to decide the petitioner's appeal within a period of three months. The appellate authority is hereby directed



to take note of decision of Hon'ble Apex Court in the case of **Ajay Kumar Chaudhary vs. Union of India** reported in **(2015) 7 SCC 291**.

Learned counsel for the petitioner submitted that petitioner has not been provided subsistence allowance during the period of suspension. In this regard, petitioner is stated to have submitted representation *vide* Annexure-5 to 10.

The suspending authority is hereby directed to extend subsistence allowance in accordance with relevant rules, within a period of one month from the date of receipt of this order if subsistence allowance is not paid as on this date.

(P. B. Bajanthri, J)

Vikash/-

AFR/NAFR	N/A
CAV DATE	N/A
Uploading Date	
Transmission Date	N/A

