

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.21373 of 2021

=====

Bhawanand Roy S/o Late Ganesh Roy R/o Village- Pathra South, Ward No.5,
P.S. Pipra, District- Supaul. at present mohalla- Shivpuri, East of Kachahari
Station, Ward No.13, P.S.- Sadar, District- Saharsa.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, S.C. and S.T. Welfare Department, Patna.
2. The Secretary, S.C. and S.T. Welfare Department, Government of Bihar, Patna.
3. Addl. Secretary to the government, S.C. and S.T. Welfare Department, Government of Bihar, Patna.
4. Joint Secretary to the Government, S.C. and S.T. Welfare Department, Government of Bihar, Patna.
5. The Director, S.C. and S.T. Welfare Department, Government of Bihar, Patna.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Suraj Narayan Yadav, Advocate
For the Respondent/s : Mr. Gyan Prakash Ojha (Ga7)

=====

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

Date : 29-04-2022

The matter is heard via video conferencing.

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

“1. That this is an application for issuance of a writ in the nature of Certiorari to quash the order as contained in memo no. 2210 dated 10.9.2021 issued by the respondent No. 3 whereby the petitioner has been put under suspension with immediate effect under Rule 9(1)(Ka) of the Bihar Government Servant (Classification, Control & Appeal) Rules, 2005 and his head quarter has been fixed at the



office of the Deputy Director, Welfare, Patna Division, Patna, who was in waiting at headquarter for his posting; and further for issuance of a writ in the nature of Mandamus and/or any other appropriate writ, order or direction commanding the respondents to revoke the suspension of the petitioner and give him appropriate posting who is going to superannuate on 30.6.2022 and further to direct the respondents to pay suspension allowance to the petitioner during the period of his suspension.”

3. Petitioner was placed under suspension on 10.09.2021 in terms of Rule 9(1)(Ka) of the Bihar Government Servant (Classification, Control & Appeal) Rules, 2005.

4. One of the contention in the present petition is that petitioner is due for retirement on 30.06.2022.

5. Having regard to the length of suspension, the suspending authority is hereby directed to examine whether review of suspension could be undertaken in so far as revocation of suspension is concerned. Further suspending authority is hereby directed to take note of decision of Apex Court's rendered in the case of *Ajay Kumar Chaudhary V. Union of India* reported in **(2015) 7 SCC 291**.

6. In the light of these facts and circumstances, the suspending authority is hereby directed to undertake review of suspension within a period of one month from the date of receipt



of this order. Reserving liberty to the petitioner to question the validity of suspension order dated 10.09.2021, if the suspending authority fails to undertake review of suspension and re-instatement.

7. With the above observations, the present petition stands disposed of.

(P. B. Bajanthri, J)

rakhi/-

AFR/NAFR	
CAV DATE	
Uploading Date	11.05.2022
Transmission Date	

