

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17284 of 2022

=====

Md. Noorullah Son of Late Md. Raheem, Resident of Village- Kodaria, P.S. Patahin, District- East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary education Department Govt. of Bihar Patna.
2. The District Magistrate, East Champaran, East Champaran, Motihari.
3. The District Education Officer, District East Champaran, Motihari.
4. The District Programme Officer (Establishment), District East Champaran, Motihari.
5. The Block Education Extension Officer, Patahin Block, District East Champaran.
6. The Headmaster upgraded urdu Middle School Sugapiper Anchal Patahin, District- East Champaran.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Md. Anisur Rahman, Adv.
For the Respondent/s : Mr. Prabhakar Jha (Gp27)

=====

CORAM: HONOURABLE MR. JUSTICE SANJEEV PRAKASH SHARMA

ORAL ORDER

2 20-12-2022 1. The petitioner by way of this writ petition has
prayed as under:-

(A) For issuance of appropriate writ/order or direction quashing the order issued under memo no.1426 dated 13.07.2009 by the then District Superintendent of Education, East Champaran, Motihari by which he has passed order that decision with regard to payment of salary to the petitioner for payment of salary of his suspension period will taken after disposal of the case pending in the court as



contained in Annexure-4 to this writ petition.

(B) For issuance of appropriate writ/order or direction commanding the respondents to make payment of due salary of suspension period i.e. from 03.10.2008 to 13.07.2009 to the petitioner as the suspension of the petitioner has been revoked through letter no.1426 dated 13.07.2009 and petitioner had joined on his post in the Upgraded Urdu Middle School Sugapiper Anchal Patahin District East Champaran and is performing his duties.

2. Admittedly, both the criminal case as well as departmental inquiry are still pending although the petitioner has retired. There is no embargo to continue the inquiry. The question with regard to payment for the suspension period would therefore has to be decided on the basis of the result of the inquiry.

3. Considering that the petitioner has retired, the respondents are directed to complete the inquiry expeditiously preferably within a period of six months from today.

4. Of course the petitioner will have to co-operate in the inquiry. As and when the inquiry is completed based on the result of the inquiry, the respondents would take the decision regarding payment for the suspension period also.



5. The writ petition is disposed of with the aforesaid observation.

(Sanjeev Prakash Sharma, J)

amit/-
Item no.21

U			
---	--	--	--

