

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.156 of 2020

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Jivendra Jha, aged about 55 years, Male S/o Late Narayan Jha Resident of Mithila Convent Gali, Koshi Chowk, Police Station- Sadar, District- Saharsa, Bihar presently posted as Clerk, District Education Officer, Madhepura.

... .. Petitioner

Versus

1. The State of Bihar through its Principal Secretary, Department of Education (Primary), Government of Bihar, Patna.
2. The Joint Secretary, Department of Primary Education, Government of Bihar, Patna.
3. The Director, Primary Education, Government of Bihar, Patna.
4. The Regional Dy. Director of Education, Koshi Division, Saharsa.
5. The District Education Officer, Saharsa.
6. The District Programme Officer (Establishment), Saharsa.
7. The Additional Collector (Public Grievance Redressal) Saharsa -cum- District Public Complaint Redressal Officer, Saharsa.
8. The Block Education Officer, Kahra, Saharsa.

... .. Respondents

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Appearance :

For the Petitioner	:	Mr. Rajesh Kumar Singh, Adv.
For the Respondents	:	Mr. Rajeev Ranjan AC to GP-20

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

4 04-07-2022 Heard learned counsel for the petitioner and the learned State counsel.

2. The short issue is illegal continuance of the petitioner's suspension.

3. The authorities have filed counter affidavit.

Paragraph No.11 of the counter affidavit reads as follows:-

“11. That however considering the personal difficulties expressed by the petitioner and also as the petitioner had accepted his guilt that vide memo no. 1700 dated 27.12.2019, the



suspension of the petitioner had been vacated pending departmental proceeding.”

4. The petitioner’s counsel submits that, *prima facie* no cause of action subsists. He, however, objects to the statement that the petitioner has accepted his guilt. It is submitted that no final order has been passed in the proceedings as yet and, therefore, the presumptuous statement made in paragraph no.11 of the counter affidavit is unsustainable.

5. The submissions advanced by the petitioner’s counsel to this effect are clearly issues which remains to be seen in the departmental proceedings, as no final order has been passed in the departmental proceedings which is an admitted position today.

6. The, application, therefore, has become infrutuous insofar as the grievance relating to the illegal continuance of the petitioner’s suspension is concerned. It is, accordingly, dismissed.

(Madhuresh Prasad, J)

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