

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5348 of 2023

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Poonam Kumari W/o Amrendra Narayan Residing at Haridas Chatarjee Lane
203, Shambhu Gharana, Durga Bari, near Kachahari, P.O. P.S. and District
Gaya.

... .. Petitioner

Versus

1. The State of Bihar through the Director, Secondary Education, Govt. of Bihar, Budh Marg, Patna.
2. The Director, Secondary Education, Govt. of Bihar, Budh Marg, Patna.
3. The District Education Officer, Gaya.
4. The District Programme Officer (Establishment)-cum-Inquiry Officer, Gaya
5. Zila Parishad, Gaya through its Chairman.
6. The Deputy Development Commissioner-cum-Chief Executive, Zila Parishad, Gaya.

... .. Respondents

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Appearance :

For the Petitioner/s	:	Mr.Bipin Bihari Singh, Advocate
		Mr.Shyama Kant Singh, Advocate
For the Respondent/s	:	Mr.Jitendra Kumar Roy 1 (SC- 13)

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 14-09-2023 Petitioner in the present writ application is praying

for issuance of Writ of Certiorari to quash the order as contained

in Memo No. 94 dated 14.02.2022 issued under signature of

Deputy Development Commissioner-cum-Chief Executive

Officer, Zila Parishad, Gaya (Annexure '4' to the writ

application) whereby the petitioner has been placed under

suspension with immediate effect and a decision has been taken

to conduct a departmental inquiry against her.

2. Learned counsel for the petitioner submits that the

departmental inquiry has yet not been concluded. It is submitted



that the petitioner has been requesting the competent authority to consider revocation of her suspension and in this regard a representation as contained in Annexure '7' to the writ application has also been sent but no decision has been taken on the said representation.

3. A counter affidavit has been filed on behalf of the Respondent No. 4. According to this counter affidavit, the departmental proceeding has been initiated on the basis of the recommendation of the Respondent No. 3 who had set up an inquiry committee for inquiry into the allegations that the petitioner had misappropriated the amount in cycle and poshak yojna.

4. It is stated that the petitioner is knowingly and intentionally evading filing of show cause. In her rejoinder to the counter affidavit, the petitioner has questioned the initiation of the departmental proceeding against her on various ground, however, in this writ application there is no challenge to the departmental proceeding, hence, this Court need not go into such submissions of the petitioner. It does not transpires from the rejoinder as to whether she has been participating in the ongoing departmental inquiry or not.

5. Be that as it may, while expecting that the petitioner



shall cooperate in the departmental proceeding by filing her show cause and putting appearance on the date fixed in the inquiry proceeding and then the disciplinary authorities shall ensure conclusion of the proceeding within a reasonable time, this Court directs that the competent authority with whom the representation (Annexure '7') is pending shall consider the same and take an appropriate decision with regard to the request of the petitioner to revoke her suspension.

6. Such decision be taken within a period of two months from the date of receipt/ communication of copy of this order.

7. This writ application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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