

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No. 3135 of 2018**

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Ranjeet Kumar Mishra son of Late Shiv Kumar Mishra, R/o MIG- 13,  
Hanuman Nagar, P.S.- Patrakar Nagar, District- Patna.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary, Education Department, Government of Bihar, Patna.
3. The Director, Secondary Education, Govenment of Bihar, Patna.
4. The Bihar School Examination Board, through its Secretary, Budha Marg, Patna.
5. The Chairman, Bihar School Examination Board, Budha Marg, Patna.
6. The Secretary, Bihar School Examination Board, Budha Marg, Patna.

... .. Respondent/s

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**Appearance :**

|                      |   |                               |
|----------------------|---|-------------------------------|
| For the Petitioner/s | : | Mr.Kanhaiya Pandey, Advocate  |
| For the Respondent/s | : | Mr.A.R. Pandey, AAG-15        |
| For BSEB             | : | Mr. Satyabir Bharti, Advocate |
|                      |   | Mr. Abhishek Anand, Advocate  |

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**CORAM: HONOURABLE MR. JUSTICE RAJIV ROY**  
**ORAL ORDER**

3      19-09-2023      Heard the parties.

The petitioner has prayed for the following relief:

(i) to restrain respondents from proceeding with departmental proceeding initiated vide memo no BSEB(S-5)/13/Eatb/17 dated 10.01.2017 issued by the Secretary of Bihar School Examination Board (Secretary of Bihar School Examination Beard (Senior Secondary) Patna i.e. Annexure-7 till conclusion of Criminal Case bearing Special Case No 32/2016 as petitioner's



defence is likely to be prejudiced and further stay proceeding on the basis of charge sheet contained in memo no BSEB(S- 5)/13/Estb/17 dated 10.01 2017 ie. Annexure-8;

(ii) to quash the highly illegal, wrongful and arbitrary order bearing memo no BSEB(S- 5)/13/Estb/17 dated 10.01.2017 contained in annexure-7 passed by respondent no.3 Secretary, Bihar School Examination Board by which even though there is specific provision for maintaining disciplinary control over employees of the Bihar School Examination Board, the respondents have suspended the petitioner under Bihar CCA Rules, 2005 and has ordered for departmental inquiry against the petitioner under Rule-9(3)(ii) of the Bihar CCA Rules, 2005;

(iii) That any other relief or reliefs may be allowed which will be just, proper and equitable on the opinion of this Hon'ble Court.

It would be appropriate that a final order comes in the departmental proceeding and the fear of the petitioner is



unfounded that it will go against him.

Any order which is adverse to him, he can avail the opportunity available in accordance with law and always have liberty to thereafter invoke the writ jurisdiction of this Court.

The writ petition stands disposed of with the aforesaid observation.

**(Rajiv Roy, J)**

Ravi/-

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