

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10648 of 2022

Manoj Ranjan Son of Kedar Paswan Resident of A.G. Colony, Main Road
(Near S. S. Complex), P.S.- Shastri Nagar, District- Patna.

... .. Petitioner

Versus

1. The State of Bihar Bihar.
2. The Additional Chief Secretary, Department of Education, Bihar, Patna.
3. The Managing Director, Bihar State Educational Infrastructure Development Corporation, Patna.
4. The Chief Engineer, Bihar State Educational Infrastructure Development Corporation, Patna.
5. The Secretary, Water Resources Department, Bihar, Patna.

... .. Respondents

Appearance :

For the Petitioner	:	Mr.Prabhu Nath Pathak, Advocate
For the Respondents	:	Smt. Binita Singh, SC 28
For the BSEIDC	:	Mr.Girijesh Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 06-04-2023

Re:- I.A. No. 01/2022 and I.A. No. 02/2022

By filing I.A. No. 01/2022 the petitioner is seeking to amend the writ application to challenge the order of the suspension issued under Notification No. 1780 dated 25.07.2022 issued by the Under Secretary, Water Resources Department, Bihar, Patna under Rule 9(1) of the Bihar Government Servant (Classification, Control and Appeal) Rules, 2005 (hereinafter referred to as the “Service Rules, 2005”).

2. By filing I.A. No. 02/2022 the petitioner is seeking impleadment of the Under Secretary, Water Resources Department, Bihar, Patna as one of the respondents because the



order of suspension has been issued under his signature.

3. No one appears for the State. No objection has been filed to the interlocutory applications even as the copies of the same were served on the State as back as on 20.10.2022.

4. In such circumstance, both the interlocutory applications are allowed. The prayer made therein and the statements contained in those interlocutory applications shall be treated as part and parcel of the main writ application.

Re.:- CWJC No. 10648/2022

5. Heard learned counsel for the petitioner and Mr. Girijesh Kumar, learned counsel for the Bihar State Educational Infrastructure Development Corporation, Patna.

6. By filing this writ application the petitioner has challenged the order as contained in memo no. 4433 dated 09.06.2022 issued by the Managing Director, Bihar State Educational Infrastructure Development Corporation, Patna (in short the “Corporation”) by which the service of the petitioner has been returned to his parent organization.

7. Learned counsel for the petitioner submits that the impugned order is stigmatic and that is the reason why he has challenged the order returning his service to the parent organization.



8. Learned counsel further submits that in fact taking into consideration the allegations mentioned in the order of Managing Director of the Corporation, the parent department has placed him under suspension. Learned counsel submits that the petitioner is under suspension for almost nine (9) months but till date no charge-sheet has been served upon him.

9. Learned counsel further submits that for purpose of revocation of his suspension the petitioner has preferred an appeal under Rule 23 of the Service Rules which is pending consideration before the Secretary, Water Resources Department, Government of Bihar, Patna. A copy of his memorandum of appeal for revocation of suspension has been brought on record as Annexure '12' to the I.A. No. 01/2022.

10. Learned counsel for the Corporation has opposed this writ application. It is submitted that the Corporation is an independent entity and the petitioner was deputed in the Corporation. If the Corporation was not satisfied with the service of the petitioner and for that reason he has been sent back to his parent organization, no fault may be found with the same.

11. Learned counsel further submits that it is the parent organization of the petitioner which has served a show



cause notice upon the petitioner. The petitioner is said to have submitted his reply to the same, therefore, it is for the parent organization to consider the show cause and take an appropriate view thereon.

12. Having regard to the facts and circumstances of the case and the materials available on the record, this Court is of the considered opinion that no fault may be found with the order issued by the Managing Director of the Corporation as contained in Office Order No. 91 dated 09.06.2022 by which the service of the petitioner has been repatriated to his parent organization.

13. So far as the submissions that there are allegations in the said order are concerned, it appears from a bare perusal of Annexure '1' that the petitioner has been given an opportunity to submit his reply to such allegations and as the petitioner has already submitted his reply, the same is liable to be considered by the competent authority and take an appropriate decision thereon.

14. The fact that the petitioner has already preferred an appeal under Rule 23 of the Service Rules, 2005 will lead to a conclusion that the Secretary, Water Resources Department, Bihar, Patna (Respondent No. 5) should consider the appeal of



the petitioner and pass an appropriate order thereon keeping in view the law on the subject.

15. This Court, therefore, directs respondent no. 5 to take such appropriate decision on the appeal (Annexure '12' to the I.A. No. 01/2022) within a period of one month from the date of receipt/production of a copy of this order.

16. This Court further directs the competent authority to consider the show cause reply of the petitioner and take an appropriate view thereon. Petitioner will be at liberty to seek his remedy, if so advised, against the order, if any, passed effecting his interest.

17. This Writ Application stands disposed of accordingly.

18. At the time of rising of the Court, Ms. Binita Singh, learned SC-28 for the State has put her appearance.

(Rajeev Ranjan Prasad, J.)

Rajeev/-

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