

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16218 of 2022

Md. Nematullah Son of Late Md. Rahmatullah, Resident of At- R.H. Electric
Center, Jama Masjid, Sarai Road, P.S. - Kotwali, District- Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Public Health Engineering Department, Govt. of Bihar, Patna.
2. The Engineer-in-Chief-cum-Special Secretary, Public Health Engineering Department, Govt. of Bihar, Patna.
3. The Chief Engineer (Mechanical), Public Health Engineering Department, Govt. of Bihar, Patna.
4. The Superintending Engineer, PH (Mechanical) Circle, Patna.
5. The Executive Engineer, PH (Mechanical) Division, Gaya.
6. The Assistant Engineer, PH (Mechanical) Sub Division, Aurangabad.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Dhananjay Kumar Tiwary, Advocate Mr. Raja Ram Rai, Advocate
For the State	:	Mr. Alok Ranjan, AC to AAG- 5

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL ORDER

- 2 05-09-2023 1. Heard learned counsel for the petitioner and
learned counsel for the State.
2. On grounds of pendency of criminal case,
petitioner was placed under suspension. The authorities have
also taken into consideration the fact that the petitioner had not
informed the Department about the cancellation of his



anticipatory bail. The order of suspension is by invoking powers under Rule 9 (1) (c) of the Bihar Government Servants (Classification, Control & Appeal) Rules, 2005 (for brevity 'CCA Rules, 2005').

3. Learned counsel for the petitioner submits that petitioner is a victim inasmuch as he has been made an accused in a false criminal case under 498 A, and subsequently, he was allowed anticipatory bail, which is dated 16-11-2021 passed in Cr. Misc. No. 56134/2021. Immediately two days thereafter, the impugned order of suspension was issued. He submits that raising the plea of grant of anticipatory bail in Cr. Misc. No. 56134/2021, the petitioner would be preferring appeal against the order of suspension in terms of Rule 23 of the CCA Rules, 2005.

4. Learned counsel for the State submits that it is only when the appeal is filed, the authorities can consider the appeal.

5. Considering the rival submissions, this Court would grant liberty to the petitioner to file appeal under Rule 23 of the Bihar CCA Rules, 2005. While filing appeal, petitioner would annex a copy of this order.

6. If the same is filed within two weeks, it is required to be disposed of by a reasoned and speaking order in



accordance with law within eight weeks thereafter.

7. Writ petition is accordingly disposed of.

(Madhuresh Prasad, J)

Raj kishore/-

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