

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16886 of 2021

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Vijay Kumar Paswan S/o Mithu Paswan, R/o Village - Hamjapur, P.S. - Sherghati, District - Gaya (Suspended Low Grade Clerk)

... .. Petitioner/s

Versus

1. The State of Bihar Bihar, Patna.
2. The Principal Secretary, Department of Urban Development and Housing Department, Government of Bihar, New Secretariat, Patna.
3. The Director, Municipal Administration - Cum - Joint Secretary, Urban Development and Housing Department, Govt. of Bihar, Patna.
4. The Deputy Development Commissioner, Gaya.
5. The District Magistrate, Gaya.
6. District Establishment Deputy Collector, Gaya.
7. The Sub Divisional Officer, Sherghati (Gaya).
8. The Executive Magistrate, Nagar Panchayast, Sherghati (Gaya).
9. The Executive Officer, Nagar Parishad, Sherghati (Gaya).

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Sudhir Kumar Sinha
For the Respondent/s : Mr.Abbas Haider (Sc6)

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 17-02-2024 The present writ petition has been filed seeking the following relief:-

“1. To issue an appropriate order/s, direction/s preferably in the nature of CERTIORARI for quashing the Memo No. 550 dated 03-05-2018 passed by the respondent No. 5 (District Magistrate, Gaya) whereby and whereunder the petitioner has been suspended in exercise of power conferred under Rule 9 (1) (Ka) and (Ga) of the Bihar Government Servant (Classification, control and Appeal) Rules 2005 and fixed his



Head quarter at Sub Divisional Office, Neemchak Bathani (Gaya) as well as direction of the Executive Magistrate, Nagar Panchayat, Sherghati, to conduct departmental proceeding and also directed him to frame charge and immediately submitted Prapatra Ka against the petitioner.”

2. At the outset, the learned counsel for the Respondents, on instructions, submits that the departmental proceeding in question is still pending and would definitely be disposed off, within a period of 60 days from today. It is directed accordingly.
3. It is needless to state that in case, the departmental proceeding in question is not completed within a period of 60 days from today, the order of suspension, qua the petitioner, shall stand revoked automatically. It is further directed that the petitioner shall be paid the subsistence allowances during the interregnum period and shall also co-operate in the ongoing departmental proceeding.
4. The present writ petition stands disposed off on the aforesaid terms.

(Mohit Kumar Shah, J)

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