

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13235 of 2024

Abhishek Kumar son of Late Birendra Prasad Kashyap, R/o Village-Tadhwa
Nandpur, P.S.-Bairiya, District-West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through the District Magistrate cum Collector, East Champaran at Motihari.
2. The District Magistrate cum Collector, East Champaran at Motihari.
3. The Deputy Collector, Establishment, East Champaran at Motihari.
4. The Senior Incharge Officer, District Establishment Section, East Champaran at Motihari.
5. The Additional Collector, Disaster Management, East Champaran at Motihari.
6. The Sub-Divisional Officer, East Champaran at Motihari.
7. The Block Development Officer, Banjariya Block, East Champaran at Motihari.
8. The Block Development Officer, Paharpur Block, East Champaran at Motihari.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Krishna Kant Singh, Adv.
For the Respondent/s	:	Mr.Government Pleader (20)

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 05-09-2024 Heard learned counsel for the petitioner and learned
counsel for the State.

2. The present writ petition has been filed by the petitioner demanding the writ in the form of mandamus, directing the respondent authorities to revoke his suspension by quashing the suspension order issued *vide* Memo No.1050 dated 20.08.2022 in the light of Rule 9(7) of the Bihar Government Servant (Classification, Control and Appeal) Rules, 2005 with



other reliefs.

3. Counsel for the petitioner submits that the petitioner's suspension has been made on 20.08.2022 and it is 2024 going on. He further submits that in the light of Rule 9(7) of the Bihar CCA Rules, 2005, the petitioner's suspension order may be revoked and directed to join his post.

4. Counsel for the State on the other hand submits that a counter-affidavit may be directed to file for complete adjudication in this matter.

5. It transpires to this Court that there is no need of filing any counter-affidavit in this case due to the reason that the petitioner has demanded a relief of issuance of writ of mandamus for which he has filed representation also, but his representation is still pending which is Annexure-P/4 of the writ petition. As such, this Court is of the firm view that the authority concerned *i.e.*, respondent No.2 before whom this representation has been filed, ought to pass order on the said representation following the principles laid down in Rule 9(7) of the Bihar CCA Rules, 2005.

6. In this view of the matter, the present writ petition is hereby disposed off directing the respondent No.2 to pass order on the representation filed by the petitioner following the



principles laid down under Rule 9 of the Bihar Government
Servant (Classification, Control and Appeal) Rules, 2005 within
60 days from the date of production of the order and it is also
directed that the entitlement to the petitioner according to the
rule be decided within the said period.

7. With the aforesaid direction, the present writ
application is hereby disposed off.

8. It is made clear that the petitioner shall be at liberty
to supplement his representation.

(Dr. Anshuman, J.)

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