

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1365 of 2019

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Harihar Nath Jha, S/o Late Brajvanshi Jha, Resident of Flatno.-402, Deokunj Apartment. Laxmi Narain Path, North S.k. Puri P.S.-Patliputra, Town and District- Patna

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, Education Department, Govt. of Bihar, Vikas Bhawan, New Secretariat, Patna
2. The Director (Administration)-Cum-Additional Secretary, Education Department, Bihar, Vikas Bhawan, New Secretariat, Patna
3. The Director Primary Education, Bihar, Patna-Cum-Enquiry Officer, Vikas Bhawan New Secretariat, Patna

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Chandra Shekhar Singh, Adv. Mr. Pawan Kumar Chaudhary, Adv.
For the Respondent/s	:	Mr. Mukund Mohan Jha (AC to GP-27)

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 13-02-2024 Learned counsel for the petitioner and learned counsel for the State are present.

2. The present writ petition has been filed for directing the respondent authorities to stay the departmental proceeding continuing against the petitioner till conclusion of the criminal proceeding and further for seeking any other reliefs for which the petitioner is entitled for.

3. Learned counsel for the petitioner submits that the charge memo has been served upon the petitioner on 10.10.2017 and a letter *vide* Memo No.700 dated 16.10.2017 (annexed as Annexure-P/3) has been served intimating that the Government



has decided to continue the departmental proceeding under Rule 43(b) of the Bihar Pension Rules, 1950 against the present petitioner. Counsel further submits that as per his knowledge, no final order has been passed till date and as such, he is remedy less.

4. Learned counsel for the State on the other hand submits that in the counter affidavit, no such stand has come that the departmental proceeding has been concluded or not. Counsel for the State has placed a letter contained in Memo No.2324 dated 10.07.2007 (annexed as Annexure-B) in which, it is contended that against government servant, criminal proceeding and departmental proceeding can run simultaneously.

5. In light of the submissions made as well as the prayer in the writ petition, this Court is of the view that the criminal proceeding and departmental proceeding can run simultaneously, but the petitioner is entitled to know what is the final result in his departmental proceeding.

6. As such, Principal Secretary, Education Department, Government of Bihar, Patna is directed to provide the petitioner, the final order of the departmental proceeding if, already concluded. But if, the departmental proceeding is not



concluded, then it is directed to be concluded within 90 days from the date of production of this order.

7. With the aforesaid observations and directions, this writ petition is hereby disposed off granting liberty to the petitioner to challenge the final order upon receiving.

(Dr. Anshuman, J.)

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