

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.636 of 2022

In

Civil Writ Jurisdiction Case No.1339 of 2021

Rohit Kumar S/o Sri Ram Narayan Ram Resident of Golghar, Park Road, P.S. Gandhi Maidan, Distt- Patna, Presently posted as Circle Officer Ismilepur, Naughachia, District Bhagalpur.

... .. Appellant/s

Versus

1. The State of Bihar through the Collector of the District (D.M.), Madhubani.
2. The Collector of the District (D.M.), Madhubani.
3. The Sub- Divisional Officer (S.D.O), Jhanjharpur, Madhubani.
4. The Circle Officer (C.O), Lakhnaur, Madhubani, District- Madhubani.
5. Govind Nath Jha Son of Late Dev Nath Jha At present Headmaster of Deodhira Sanskrit Uchcha Vidyalaya, Deep, resident of Village and Post Deep, Via- Jhanjharpur, P.S. Madhepur, Block- Lakhnaur, District Madhubani (Bihar).

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Ram Kumar Singh, Adv.

For the Respondent/s : Mr. Md. Khurshid Alam (AAG 12)

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE HARISH KUMAR

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 27-02-2024

The appellant is the 5th Respondent, who was a Circle Officer, who is said to have initiated a totally illegal proceeding for removal of encroachment. In fact, when the matter was heard, it transpired that there was no encroachment case, however the appellant had issued an order seeking eviction of the writ petitioner.



2. On the admitted facts, the notice of eviction was interfered with by the learned Single Judge. The learned Single Judge also finding the Circle Officer to have acted *mala fide* directed to conduct an enquiry/initiate appropriate departmental proceeding, and also suspend the officer forthwith. The appellant was suspended and he has been kept under suspension for the past one year is the submission of the learned counsel for the appellant.

3. Learned Government Advocate on instructions submits that the second show cause notice is going to be issued.

4. In such circumstances, we direct the second show cause notice to be issued, at any event within three weeks from today. The explanation shall be called for and the final decision shall be taken within one month from the date of submission of explanation after affording an opportunity for personal hearing. The entire exercise shall be completed within three months from today.

5. On a decision being taken, whether it be exoneration or imposition of penalty; on which we do not make any observation, the disciplinary authority shall also decide on how the suspension period should be treated.



6. The appeal is disposed of with the aforesaid direction.

(K. Vinod Chandran, CJ)

(Harish Kumar, J)

Anjani/-

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CAV DATE	
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