

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14809 of 2024

Manoj Kumar, Son of Late Ishri Singh, resident of village-Bande, P.S.-Rajgir, District-Nalanda, at present residing at Mohalla-A.G. Colony, Krishi Nagar, P.S.-Shastri Nagar, District-Patna and posted as Clerk, at the Office of the District Education Officer, Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Director (Administration)-cum-Additional Chief Secretary, Education Department, Patna.
2. The Regional Deputy Director of Education, Patna Division, Patna.
3. The District Education Officer, Patna.
4. The District Programme Officer (Establishment), Education Department, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Dewendra Narayan Singh, Advocate
For the Respondent/s : Government Pleader (26)

CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

2 30-09-2024 The petitioner was appointed on the post of Clerk in the office of the District Education Officer on and from 15.03.1999. On 09.09.2024, the petitioner was suspended for violating Rule 3(1) of the Bihar State Government Servant Conduct Rules, 1976.

2. The fact remains that by letter no. 7939, dated 24.06.2024, the District Programme Officer (Establishment), Patna requested the Circle Officer, Patna, Sadar to verify the familiar membership certificate and unemployment certificate of one Guriya Kumari and to submit the verification report.

3. The Circle Officer submitted the familiar



membership certificate of Guriya Kumari to the District Programme Officer (Establishment), Patna, on 29.07.2024, however, the verification report regarding unemployment certificate was kept pending. The District Programme Officer (Establishment), Patna, sent a reminder to the Circle Officer to submit verification report regarding unemployment certificate of Guirya Kumari on 02.09.2024.

4. In the meantime, the said Guriya Kumari lodged a complaint, alleging, inter alia, that the petitioner demanded bribe from her for forwarding the concerned certificate to the District Programme Officer (Establishment), Patna. On the basis of the said complaint he was suspended from service.

5. Rule 3(1) of the Bihar Government Servant Conduct Rules, 1976 states as hereunder:-

“3. General.

(1) Every Government servant shall at all times

(I) maintain absolute integrity;

(ii) maintain devotion to duty; and

(iii) do nothing which is unbecoming of a Government servant.”

6. Be that as it may, an employee cannot be suspended unilaterally by the respondents on the basis of a complaint without verifying the veracity thereof.

7. In the instant writ petition, the petitioner has denied



the allegation made by the aforesaid Guriya Kumari against him.

8. In view of such circumstances, the respondents are required to consider the case of the petitioner to ascertain as to whether the suspension order shall remain in force or it shall be revoked.

9. For the reasons stated above, the Regional Deputy Director of Education, Patna Division, Patna, (Respondent No.2) is directed to verify as to whether the impugned order of suspension passed against the petitioner should remain in force or be revoked accepting the instant writ petition as a representation.

10. He is further directed to dispose of the case of the petitioner made out in the instant writ petition within four weeks from the date of communication of a copy of this order.

11. With the above direction, the instant writ petition stands disposed of.

(Bibek Chaudhuri, J)

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