

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16722 of 2024

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Sharmila Kumari W/o Banktेश्वर Kumar Resident of Mohalla- Jagdev
Nagar, Ward No. 42, P.S.- Aranawada, District- Ara at Bhojpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Education Department, Bihar, Patna.
2. The Additional Chief Secretary, Education Department, Bihar, Patna.
3. The Director, Primary Education, Education Department, Govt. of Bihar, Patna.
4. The District Magistrate, Bhojpur, Ara.
5. The District Education Officer, Bhojpur, Ara.
6. The District Programme Officer, Bhojpur, Ara.
7. The Block Education Officer, Jagdishpur (East) Bhojpur.
8. The Prakhanda Panchayat Raj Officer-cum- Executive Officer, Jagdishpur, Bhojpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Bipin Kumar, Adv.
For the State	:	Mr. Standing Counsel (9)

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CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI

ORAL ORDER

2 11-11-2024 The petitioner was appointed to the post of Physical Education and Health Instructor in upgraded Middle School, Harigawan. While she was on probation, she was transferred from service. Against the said order of transfer, the petitioner approached the Tribunal for redressal.

2. Since Tribunal did not come forward to hold the petitioner, the petitioner approached this Court by filing writ



petition being C.W.J.C. No. 10918 of 2023. In the said writ petition Interlocutory Application was filed challenging the order of suspension, but the Coordinate Bench disposed of the said application stating, inter alia, that the order of suspension involves a separate cause of action.

3. It is true that petitioner was suspended on 16th September, 2023 i.e. more than one year ago. As per the learned Advocate for the petitioner, no departmental proceeding has been initiated as yet.

4. It is needless to say that an order of suspension simpliciter is not an order of punishment or stigma. However, at the same time the Authority is under obligation to take appropriate steps against the petitioner.

5. For the reasons stated above and considering the submissions made by the learned Advocate for the petitioner as well as the learned Advocate on behalf of the State respondents, this Court disposed of the instant writ petition with a direction upon the respondents, specially, the District Education Officer, Bhojpur, Ara (respondent no. 5) to take appropriate action with regard to departmental proceeding within 15 days from the date of communication of this order, failing which the impugned order of suspension shall stand quashed.



6. The instant writ petition is thus disposed of.

(Bibek Chaudhuri, J)

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