

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16592 of 2024

Md. Parwej Alam Son of Md. Abdul Rauf resident of village- Kantadih, P.S.- Kadwa, District- Katihar, presently posted as Incharge Headmaster of Upgraded Middle School, Kehta Baluganj (Pranpur), District- Katihar, Presently working as Primary Teacher, Madhya Vidyalaya, Bastaul.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Government of Bihar, Patna.
2. The District Magistrate, Katihar.
3. The District Education Officer, District- Katihar.
4. The District Programme Officer, Sarv Siksha Abhiyan, Katihar.
5. The Block Development Officer, at Pranpur, District- Katihar.
6. The Block Education Officer, Pranpur, District- Katihar.
7. The Executive Officer cum Secretary Block Niyojan Ekai, At Pranpur, District- Katihar.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Jitendra Kumar Giri, AC to AAG-4
For the State	:	Mr. A.A.G.-4
For B.E.P.C.	:	Mr. Girijish Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

2 11-11-2024 The petitioner was posted as Headmaster-in-charge of Upgraded Middle School, Kehta, Baluganj (Pranpur) in the District of Katihar, his substantive post is as a Primary Teacher, Middle School, Bastaul.

2. Sometimes in 2022, the petitioner was suspended in contemplation of a departmental proceeding for alleged dereliction of duty. However, during the statutory period of time, the concerned Authority did not initiate any departmental proceeding and without initiation of any such proceeding he was



under suspension for about 27 months as on this date. On 6th July, 2024, the District Education Officer, wrote a letter to the Executive Officer-cum-Secretary Block Appointment Authority, Pranpur, requesting him to initiate departmental proceeding against the petitioner within the statutory period of time, failing which the proposed departmental proceeding may be dropped and he may be directed to resume his function by recalling the order of suspension. The concerned Authority (respondent no. 7) did not pay any heed to the said letter written by the respondent no. 3, on the above subject.

3. The learned Advocate on behalf of the State of Bihar and its Officers submits that in the instant case a counter affidavit is necessary because he is not in a position to state as to why no departmental proceeding was initiated against the petitioner.

4. Be that as it may, keeping a person under suspension for more than two years without any departmental proceeding is a gross violation of natural justice. Only on this ground, the impugned suspension order contained in Memo No. 1138, dated 16th August, 2022 is liable to be set aside.

5. Accordingly, the above order dated 16th August, 2022 is quashed and set aside.



6. The respondents, specially The Executive Officer-
Cum-Secretary Block Niyojan Ekai, at Pranpur, District-Katihar
(respondent no. 7) is directed to permit the petitioner to resume
his duty within three weeks from the date of communication of
this order.

7. Since, the petitioner has not been held guilty in any
departmental proceeding, it is for the Authority to consider for
payment of additional amount except the suspension wages,
which the petitioner received during the period of suspension.

(Bibek Chaudhuri, J)

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