

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5544 of 2025

Barhamdev Prasad Son of Late Arjun Pandit, Resident of Village- Lalpur,
P.O.- Lalpur, P.S.- Kauwakol, District- Nawada.

... .. Petitioner/s

Versus

1. The State of Bihar represented through the Additional Chief Secretary, Department of Education, Government of Bihar, Patna.
2. The Additional Chief Secretary, Department of Education, Government of Bihar, Patna.
3. The District Magistrate, Nawada.
4. The District Program Officer, Nawada.
5. The Sub Divisional Officer, Nawada.
6. The District Education Officer, Nawada.
7. The Block Education Officer, Kowakol, Nawada.
8. The Mukhiya, Gram Panchayat Raj Lalpur, Kauakol, Nawada.
9. The Panchayat Secretary, Gram Panchayat Raj Lalpur, Kauakol, Nawada.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Rajeev Ranja, Adv
For the Respondent/s : Mr. Government Pleader (24)

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 02-09-2025 Heard the parties.

2. The petitioner is aggrieved with the office order as contained in memo no.05 dated 01.03.2025, whereunder the petitioner has been placed under suspension.

3. Learned Advocate for the petitioner submitted that the fact is admitted to the extent, the petitioner was duly appointed as a Panchayat teacher long back in the year 2004 and joined the Primary School, Dumuhan, Kauwakol, Nawada and has been uninterruptedly discharging his duties since then. In



the meanwhile, the petitioner qualified the eligibility test for the post of Exclusive Teacher, conducted by the Bihar School Examination Board, Patna vide notification no. PR34/2024 and accordingly a provisional appointment letter came to be issued in his favour on 25.02.2025. Consequent to the provisional appointment letter, the letter of posting in favour of the petitioner has also been issued on 27.02.2025, directing the petitioner to join NPS Teliyagadhi, Kauakol, Nawada accordingly, the petitioner submitted his joining on 01.03.2025. The photocopies of all the afore-noted letters have been placed on record through different annexures.

4. Notwithstanding, the aforesaid fact, it is the contention of the petitioner that on certain allegation leveled by one Panchayat teacher, the petitioner was subjected to show cause notice which was duly replied by the petitioner and sent it to the concerned authority through the speed-post, but without considering his explanation, the impugned order of suspension came to be passed by the Panchayat Secretary, Gram Panchayat Lalpur, Kauakol as contained in memo no. 05 dated 01.03.2025. It is the specific contention of the petitioner that besides the fact that the impugned order of suspension has been passed without consideration of the explanation, the date on which the



suspension order was issued, the petitioner had already joined as Exclusive Teacher and in no circumstances the Panchayat Secretary was the competent authority to place the petitioner under suspension. He further submits that under rule 21 of the Bihar Panchayat Elementary School, Service Rules, 2020 (in short Rules, 2020) it mandates that if the complaint made against the headmaster, teacher or instructor at the District Magistrate or the District Education Officer level is found to be true and a recommendation is made for initiation of disciplinary against them, then the disciplinary action should be conducted within a maximum period of 60 days from the date of recommendation, however, in the case in hand, the petitioner was placed on the suspension on 01.03.2025 and till date even the charge memo has not been served upon the petitioner and for this reason also the impugned order is wholly bad and illegal.

5. Learned Advocate for the petitioner has further taken this Court through the counter affidavit filed on behalf of the respondent no. 04, especially to the letter of the District Education Officer, Nawada dated 13.01.2025, marked as (Annexure R/A) series and submitted that the concerned authority has also inquired the matter and submitted a report which clearly suggest that it is the complainant Panchayat



teacher, who was at fault and only because of the fact that the petitioner has crossed her signature from the attendance register, he has been found guilty of misconduct, moreover, the show cause notice and the impugned order of suspension are contrary to each other as the allegation in the show cause is different to the finding in the suspension order.

6. Learned Advocate for the State while refuting the contention of the petitioner has submitted that serious allegation has been leveled against the petitioner of striking off the attendance of the complainant Panchayat teacher, moreover, suspension is not the punishment and now the departmental proceeding shall be conducted and concluded after giving due observance to the Rules, 2020 within a time frame manner.

7. Considered the submissions set forth by the learned Advocate for the respective parties and anxiously perused the materials on record, which clearly reveals that the date on which the petitioner was placed under suspension, he had already submitted his joining as an Exclusive Teacher and as such in no circumstances, the Panchayat Secretary can be said to be competent authority for passing the impugned order of suspension; moreover, if the contention of the petitioner is accepted that till date the charge memo has not been served



upon the petitioner in that account also the continuation of the suspension is wholly bad and illegal. Besides the aforesaid facts this Court also noticed, the show cause and the impugned order of suspension and the findings made therein are in contradiction to each other based upon which the suspension order has been passed.

8. On all the afore-noted grounds, this Court finds merit in the writ petition accordingly, the impugned order of suspension as contained in memo no. 05 dated 01.03.2025 stands set aside, subject to the condition if there is no memo of charge issued till date.

9. With the aforesaid order, the writ petition stands allowed.

(Harish Kumar, J)

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