

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.416 of 2025
In
Civil Writ Jurisdiction Case No.402 of 2025

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1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
 2. The Additional Chief Secretary, Home Department, Government of Bihar, Patna.
 3. The Secretary, Home Department, Government of Bihar, Patna.
 4. The Director General of Police Government of Bihar, Patna.
 5. The Inspector General of Police (Police Headquarter), Government of Bihar, Patna.
 6. The Deputy Secretary, Home Department (Police Section), Government of Bihar, Patna.

... .. Appellant/s

Versus

Ranjeet Kumar Rajak Son of Late Mahendra Prasad Rajak Resident of Village-Hanswar P.S.- Manihari, District-Katihar, Presently Residing at Flat No. 108B Vina Vihar Apartment Nitibagh, Jagdeopath, P.S.-Rupaspur, District-Patna.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. P.K. Shahi, AG
		Mr.Rajnish Shandilya (Ac To Ga 11)
For the Respondent/s	:	Mr.Kumar Kaushik, Adv.

CORAM: HONOURABLE THE ACTING CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL JUDGMENT
(Per: HONOURABLE THE ACTING CHIEF JUSTICE)

Date : 28-04-2025

Re: I.A. No. 1/2025

2. The aforementioned interlocutory application has been pressed for condoning the delay of 21 days in filing the present memo of appeal.

3. For the reasons stated in the application, the



delay of 21 days in filing the appeal, is condoned.

4. Interlocutory Application No. 1/2025 stands allowed.

LPA No. 416/2025

5. The defect (s) pointed out by the Stamp Reporter is hereby ignored.

6. This case is listed under “office notes” for removal of the defects. However, the learned Advocate General for the appellant/State has submitted that the learned Single Judge, while dealing with the contempt petition vide MJC No. 1004 of 2025, arising out of the judgment impugned, granted time only till 2.15 P.M. today.

7. We do not appreciate this way of handling contempt petitions when the appeal is pending consideration before this Court and the defects in the petition are to be removed. A reasonable time should have been given by the learned Single Judge in the contempt matter.



8. Nonetheless, considering the urgency, we have taken up this matter for final hearing.

9. By the impugned judgment, the appellant /State has been directed to revoke the suspension of the respondent /writ petitioner with immediate effect. A further direction has been given to immediately issue the order of posting of the respondent /writ petitioner, preferably within a period of two weeks from the date of receipt of a copy of the order. The authorities in question have also been directed to make payment of full salary of the respondent /writ petitioner w.e.f. 15.09.2022 after deducting the subsistence allowance which may have been paid to him during the period of suspension.

10. It appears that the respondent /writ petitioner was arrested on the lodging of the F.I.R. against him. After he was released on bail, he applied for his joining, on which request, no order appears to have been passed. However, according to the respondent /writ petitioner, he has been marking his presence in the Headquarters.



11. Considering this aspect of the matter, the learned Single Judge found that the suspension order of the respondent / writ petitioner ought to have been revoked as he was arrested by the automatic operation of law and likewise, the suspension had to be revoked. The learned Single Judge relied upon a decision of the Division Bench of this Court in ***Anand Swarup @ Anand Swaroop v. The State of Bihar; 2011 SCC Online Patna 1196***

12. The learned Advocate General for the appellant / State, however, submits that three cases were initiated against the respondent / writ petitioner, out of which, in one of the cases, he has been discharged. In the present case, the suspension order of the respondent / writ petitioner has not been revoked.

13. An order revoking the suspension of the writ petitioner had to be passed by the appellants for the reason that without a separate order of suspension, the respondent / writ petitioner could not have been allowed



to remain under suspension for a long period. To that extent, we endorse the judgment of the learned Single Judge and direct for revocation of suspension of the respondent /writ petitioner with immediate effect. It would only be in the fitness of things that the respondent /writ petitioner shall be given a posting. This ought to be done within a period of 30 days from the passing of the order. Needless to state such exercise of power of posting of the respondent /writ petitioner would be dependent on whether the authorities would again take a decision to put him under suspension or otherwise, which liberty has also been granted by the impugned judgment.

14 So far as making payment of full salary to the respondent /writ petitioner w.e.f. 15.09.2022 till the date he is given a posting, is concerned, that would be the subject matter of the authorities concerned, who shall take a decision in this regard within a period of three months from the date of receipt of a copy of this order



before the concerned authority.

15. Any departmental proceeding against the respondent / writ petitioner also is required to be concluded expeditiously provided, he co-operates in the proceedings.

16. With the aforementioned modification in the judgment impugned, the appeal stands disposed off.

17. Interlocutory application/s, if any, also stand disposed off.

(Ashutosh Kumar, ACJ)

(Partha Sarthy, J)

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AFR/NAFR	
CAV DATE	N/A
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