

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9739 of 2025

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Rabi Shankar Ray, Son of Prabhunath Ray, Resident of Village-Sapahi, P.S.-
Brahmpur, District-Buxar.

... .. Petitioner/s

Versus

1. The State of Bihar Represented through the Principal Secretary, Department,
Department of Home (Police), Government of Bihar, Patna.
2. The District Magistrate, Buxar.
3. The Superintendent of Police, Buxar.
4. The Circle Officer, Brahmpur (Buxar).

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Krishna Chandra, Adv.
For the Respondent/s : Mr. Dhurjati Kumar Prasad, GP-14

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 26-06-2025 Heard Mr. Krishna Chandra, learned Advocate for

the petitioner and Mr. Dhurjati Kumar Prasad, learned Advocate

for the State.

2. The grievance of the petitioner is confined to the
prolonged suspension since 19.09.2023 till date. The petitioner
is aggrieved with the Memo No.5698 dated 19.09.2023 issued
under the signature of Superintendent of Police, Buxar, whereby
he was placed under suspension, but till date it has been
continuing and more than one year and nine month have been
elapsed.

3. It is the specific contention of the petitioner that on
account of certain charges of illicit trafficking of liquor, some of



the police personnel were subjected to enquiry, which led to suspension of the petitioner and others, including, the Police Inspector-cum-SHO, P.S. Brahmpur, namely, Baijnath Choudhary. So far Baijnath Choudhary is concerned, his suspension came to be revoked on 22.02.2025 itself but as the petitioner is a small fry, who is holding the post of Chaukidar, his case has been subjected to discrimination and till date he is facing rigors of suspension without any justifiable reason. Heavy reliance has been placed on a decision rendered by the Apex Court in the case of **Ajay Kumar Choudhary v. Union of India and Another [(2015) 7 SCC 291]**.

4. At this juncture, learned Advocate for the State submits that the petitioner has statutory efficacious remedy of appeal in terms of Rule 23 of the Bihar Government Servants (Classification, Control & Appeal) Rules, 2005 (for short 'the Rules,2005'), even if the petitioner is aggrieved with the prolonged suspension.

5. Before parting with the present case, it would be prudent to encapsulate relevant paragraph of the decision, which underscore expeditious disposal of judicial and/or disciplinary proceeding; and the practice of protracted periods of suspension and repeated renewal thereof strongly deprecated.



“21. We, therefore, direct that the currency of a suspension order should not extend beyond three months if within this period the memorandum of charges/charge-sheet is not served on the delinquent officer/employee; if the memorandum of charges/charge-sheet is served, a reasoned order must be passed for the extension of the suspension. As in the case in hand, the Government is free to transfer the person concerned to any department in any of its offices within or outside the State so as to sever any local or personal contact that he may have and which he may misuse for obstructing the investigation against him. The Government may also prohibit him from contacting any person, or handling records and documents till the stage of his having to prepare his defence. We think this will adequately safeguard the universally recognized principle of human dignity and the right to a speedy trial and shall also preserve the interest of the Government in the prosecution.”

6. Considering the submissions set forth by the learned Advocate for the respective parties and the fact that the petitioner has been facing rigors of suspension since 19.09.2023 and, in the meanwhile, one of the identically situated persons, namely, Baijnath Choudhary, who was also subjected to similar charge, his suspension has already been revoked; apart from the



mandate of the Apex Court in **Ajay Kumar Choudhary** (supra), it would be apt and proper to dispose off the writ petition with a direction to the respondent no.3, the Superintendent of Police, Buxar to consider the representation of the petitioner as contained in Annexure-P/3 to the writ petition, preferably within a period of eight weeks from the date of receipt/production of a copy of this order.

7. Suffice it to observe that while considering the claim of the petitioner, respondent no.3 shall keep in mind the relevant prescriptions provided under rule 9 of the Rules, 2005 as also the mandate of the Apex Court in the case of **Ajay Kumar Choudhary** (supra).

8. The writ petition stands disposed off.

(Harish Kumar, J)

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