

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15456 of 2025

=====

Sushil Kumar Pandey, Son of Shivshankar Pandey, Resident of Pandey Tola,
Sadaua, P.O - Sadauwan, P.S and District- Gopalganj

... .. Petitioner/s

Versus

1. The State of Bihar through the Director, Primary Education Govt. of Bihar,
New Secretariat, Patna
2. The District Magistrate, Gopalganj
3. The District Education Officer, Gopalganj
4. The District Programme Officer (Establishment) Gopalganj
5. Harendra Kumar Chaudhary, The Deputy Chairman, Nagar Parishad,
Gopalganj, Resident of Ward No. 08, Kaithwaliya, P.S. and District-
Gopalganj

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Bipin Bihari Singh, Adv.
For the Respondent/s : Mr. Sajid Salim Khan, Sr. Adv.

=====

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 22-09-2025 Heard the parties.

2. The challenge in the writ petition is made to the order contained in Memo No. 2172 dated 23.06.2025 issued by the District Programme Officer (Establishment), Gopalganj whereby the petitioner has been placed under suspension contemplating departmental proceeding fixing headquarter during the suspension period at BRC, Manjha on the basis of complain filed by private respondent no. 5, the Deputy Chairman, Nagar Parishad, Gopalganj.

3. Mr. Bipin Bihari Singh, learned Advocate for the petitioner while assailing the order has submitted that besides



the fact that the impugned order is passed by an authority, which has no jurisdiction, the same is punitive in nature and without any show cause notice or opportunity to be heard.

4. Mr. Sajid Salim Khan, learned Senior Advocate for the State taking this Court through the impugned order submitted that *prima facie* it appears that before issuing the impugned order the District Programme Officer (Establishment) has obtained the approval of the District Education Officer, Gopalganj, who is said to be the competent authority. It is further submitted that if the petitioner is aggrieved with the order of suspension, he has remedy of appeal under Rule 23 of the Bihar Government Servant (Classification, Control and Appeal) Rules, 2005.

5. At this juncture, learned Advocate for the petitioner interjected and submitted that till date, the memo of charge has also not been served upon the petitioner.

6. Having heard the learned Advocate for the respective parties and taking note of the submissions, this Court finds substance in the contention made by learned Advocate for the State and accordingly, the present writ petition stands closed with a liberty to the petitioner to prefer an appropriate appeal in terms with Rule 23 of the Rules, 2005. In case such an appeal is



preferred, the same shall be considered and disposed off in accordance with law, preferably within a period of 6 weeks from the date of receipt/production of a copy of this order.

7. The petitioner shall be at liberty to raise all the grounds taken before this Court in the appeal.

8. With the aforesaid liberty, the present writ petition stands closed.

(Harish Kumar, J)

supratim/-

U			
---	--	--	--

