

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7496 of 2025

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Anmol Kumar Sowarnkar @ Anmol Kumar Son of Ramfal Prasad Sowarnkar
Resident of Village- Kupari, Ward No.- 3, Police Station- Raniganj, District-
Araria, presently residing at Village- Gitwas, Ward No.- 6, Police Station-
Raniganj, District- Araria.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department,
Government of Bihar, Patna.
2. The Principal Secretary, Education Department, Government of Bihar,
Patna.
3. The District Education Officer, Araria.
4. The District Programme Officer, Araria.
5. The District Block Development Officer, Araria.
6. The Block Education Officer, Araria.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Anamul Haque, Advocate
For the Respondent/s : Mr. Government Pleader (16)

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT

Date : 03-02-2026

Heard the parties.

2. The petitioner is aggrieved with the order dated 04.02.2025, contained in Memo No. 274, issued under the signature of District Programme Officer (Establishment), Araria by which the petitioner has been placed under suspension from his service as Exclusive Teacher and deputed in the office of Block Resources Centre, Forbesganj with a further direction that the petitioner will get only subsistence allowances during the period of suspension.



3. Learned Advocate for the petitioner submitted that the impugned order of suspension came to be passed on the alleged imputation of non-handing over of the charge, besides the defalcation of Rs.4,25,000/- from the school accounts. So far the allegation of defalcation of Rs.4,25,000/-, the same has no leg to stand for the simple reason that the alleged amount has already been deposited in the Bank Account on 12.11.2024 itself, much prior to issuance of the suspension order. It is further contended that irrespective of the fact, suspension order was issued long back on 04.02.2025, till date the disciplinary proceeding has not been proceeded and only Prapatra 'Ka' as well as supplementary Prapatra 'Ka' are issued.

4. Taking this Court through the suspension order, it is further contended that there was a clear stipulation that the petitioner shall be entitled to subsistence allowance for the period of suspension, but the petitioner has been deprived even from the subsistence allowance for the last one year. It is lastly contended that be that as may the prolong suspension of the petitioner is also against the mandate of the decision of the Hon'ble Supreme Court, as ruled in the case of *Ajay Kumar Choudhary Vs. Union of India [AIR 2015 SC 2389]*.

5. Per contra, learned Advocate for the State



referring to Rule 23 of the Bihar Government Servant (Classification, Control and Appeal) Rules, 2005 submitted that the petitioner has appropriate remedy of appeal against the order of suspension where he can take all the pleas, as raised before this Court.

6. Having considered the submissions advanced by the learned Advocate for the respective parties and taking note of the specific provision of appeal against the order of suspension, this Court deems it appropriate to dispose of the writ petition with a liberty to the petitioner to prefer an appropriate appeal before the Director, Primary Education, Government of Bihar, Patna, preferably within a period of two weeks from today.

7. In case, such appeal is filed, the same shall be heard and disposed of by taking note of the averments made in the writ petition as well as submissions advanced and the mandate of the Apex Court referred hereinabove. It is expected that the Director, Primary Education, Government of Bihar, Patna shall also look into the matter that the petitioner has been denied from his subsistence allowance for the last one year and thus the same must be paid to him without any fail.

8. The entire exercise must be completed preferably



within a period of six weeks from the date of filing of appropriate application/appeal.

9. The writ petition stands disposed of.

(Harish Kumar, J)

uday/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	04.02.2026
Transmission Date	NA

