

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6992 of 2026

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Anil Kumar S/o Rambhavan Paswan, R/o Village Adarsh Nagar, Harnaut
Near Shanti Vidya Kendra, Harnaut, P.O. and P.S. Harnaut, District Nalanda
at present posted as Incharge Headmaster (Exclusive Teacher) at Government
Middle School Diha, Block-Tharthari, District - Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar Through the Additional Chief Secretary, Education Department, Government of Bihar, Patna.
2. The Additional Chief Secretary, Education Department, Government of Bihar, Patna.
3. The Director, Primary Education, Education Department, Government of Bihar, Patna.
4. The Regional Deputy Director of Education, Patna Division, Patna.
5. The District Education Officer, Nalanda, District Nalanda.
6. The District Programme Officer, (Establishment) Education, Nalanda, District - Nalanda.
7. The Block Education Officer, Tharthari, Block Tharthari, District - Nalanda.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Mrityunjay Kumar
For the Respondent/s : Standing Counsel (21)

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CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

2 11-05-2026 Heard learned counsel for the petitioner and learned
counsel for the State.

2. The instant writ application has been filed for the
following reliefs:-

*(i) For quashing/ setting aside the office
order contained in Memo No.1105, dated
17.02.2026 issued by the District
Programme Officer, Nalanda, whereby and
whereunder petitioner has been suspended
from the post of Incharge Headmaster
(Exclusive Teacher) posted at Government*



Middle School, Diha, Block- Tharthari, Nalanda and hye has been put under departmental proceedings and during suspension period his headquarter has been fixed at the office of Block Education Officer, Islampur, Nalanda.

(ii) For directing the respondents to make payment of arrears of subsistence allowance to the petitioner which is due since his date of suspension i.e. 17.02.2026 till date.

(iii) For staying the operation of the impugned office order contained in Memo No.1105, dated 17.02.2026 till final disposal of the writ application as the same has been issued without considering the show-cause submitted by the petitioner.

(iv) For any other relief as this Court may deem fit and proper in the facts and circumstances of the case.

3. Learned counsel for the petitioner submits that, vide Annexure-P/9 to the writ application, a memo of charge has already been issued for initiation of departmental enquiry proceedings. In such circumstances, appropriate directions may be issued for conclusion of the same in accordance with law and as per the Government circular, which provides that the enquiry shall be concluded within six months from the date of framing of charges, after allowing the delinquent employee to place his defence as well as the witnesses, if any, proposed by him to rebut the allegations forming part of the memo of charge. It is further submitted that the subsistence allowance, to which the



petitioner is entitled, has also not been paid to him till date.

4. On the other hand, learned counsel for the State submits that since the memo of charge has already been framed, the authorities may be directed to conclude the departmental enquiry and pay subsistence allowance to the petitioner.

5. Be that as it may, since the memo of charge has already been framed, it is expected from the authorities concerned that the subsistence allowance payable to the petitioner shall be paid, if the same has not already been paid, and only thereafter shall proceed with the enquiry and the same shall be brought to its logical conclusion in accordance with law, within a period of six weeks from the date of receipt/production of a copy of this order.

6. With the aforesaid observations and directions, the instant writ application stands disposed of.

(Ajit Kumar, J)

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