

**(2003) 05 PAT CK 0038**

**Patna High Court**

**Case No:** C.W.J.C. No. 7396 of 2002

Prem Prakash Sinha

APPELLANT

Vs

State of Bihar and Others

RESPONDENT

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**Date of Decision:** May 6, 2003

**Citation:** (2003) 2 BLJR 1027 : (2003) 3 PLJR 308

**Hon'ble Judges:** Narayan Roy, J

**Bench:** Single Bench

**Advocate:** Suman Singh, for the Appellant; JC to GP 8, for the Respondent

**Final Decision:** Allowed

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### **Judgement**

Narayan Roy, J.

Heard Counsel for the parties.

2. The petitioner, substantially, prays for revocation of the order of suspension dated 19-9-2000, as contained in Annexure 1, solely on the ground that till date the departmental proceeding has not proceeded.

3. Learned Counsel appearing on behalf of the petitioner submitted that by virtue of the order, as contained in Annexure 1 dated 19-9-2000, the petitioner was put under suspension" in contemplation of the departmental proceeding and it would appear from the materials on record and also the counter-affidavit that till date inquiry has not been concluded. Learned Counsel has drawn my attention to Annexure 11 dated 4-3-2003, which is the communication made by the inquiry officer to the Director (Administration), Secondary, Primary and Adult Education, Government of Bihar, Patna, wherefrom it appears that there is no headway in the departmental proceeding.

4. In the counter-affidavit, no plausible explanation has been given for keeping the petitioner under suspension and for not concluding the departmental proceeding by the earliest possible.

5. JC to GP 8, however, submits that the records of this case are with the Vigilance, and therefore, the proceeding is not being concluded.
6. From the pleadings of the parties, it appears that there is no likelihood of the departmental proceeding being concluded in the near further.
7. Since the petitioner is continuing under suspension since 19-9-2000 and there is no headway in the departmental proceeding, in my opinion, the petitioner need not continue under suspension any more.
8. In the result, this application is allowed and the order of suspension passed against the petitioner, as contained in Annexure 1, is set aside.
9. However, the authority will be at liberty to proceed with the departmental proceeding in accordance with law.
10. No order as to costs.