

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.253 of 2012

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Manoranjan Prasad Choudhary son of Sri Ramesh Chandra Prasad Choudhary resident of Flat No. D-4, Tara Tower, Exhibition Road, P.S.- Gandhi Maidan, District- Patna

.... Petitioner/s

Versus

1. The State Of Bihar Through The Principal Secretary Department Of Industries, Government Of Bihar, Patna
2. Bihar State Industrial Development Corporation Ltd. 1st Floor, Indira Bhawan, West Boring Canal Road, Patna-800001, Through Its Managing Director
3. The Principal Secretary Industries Department-Cum-Chairman, Director, Bihar State Industrial Development Corporation Ltd.
4. The Managing Director Bihar State Industrial Development Corporation Ltd., 1st Floor, Indira Bhawan, West Boring Canal Road, Patna-800001
5. Sangeeta Rani, w/o Sunil Kumar Singh, r/o LIG B/5 phase I, Ashiana Nagar Colony, P.S. Rajiv Nagar, District & Town – patna

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Raju Giri

For the Respondent/s : Mr. V.M.K Sinha Aag13

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

12 14-01-2015

In this case earlier on 8/7/2013 by way of filing a petition vide I.A. No. 4311 of 2013, in view of the fact that petitioner had retired, a prayer was made for withdrawal of the writ petition. However, this court did not grant such permission, instead asked the Vigilance Investigation Bureau to submit a report as to whether in view of the order passed by the Hon'ble Supreme Court in Vigilance Case No. 45 of 1987, subsequently prosecution sanction order was obtained or not. A report was called for. However, till date no report has been submitted either

by the Vigilance Investigation Bureau, Bihar or Vigilance Investigation Bureau, Jharkhand.

Sri Arvind Kumar, learned counsel for Vigilance Investigation Bureau submits that in this case report was required to be furnished by the Jharkhand Vigilance Investigation Bureau.

Keeping in view the fact that the Apex Court had passed order in Special Leave to Appeal (Crl.) No. 3993 of 1999 on 6/3/2000 whereby prosecution of the petitioner was set aside in absence of prosecution sanction and leave was granted that if appropriate sanction is received from the competent authority matter can proceed.

The Court is of the opinion that in absence of any report from the Vigilance Investigation Bureau, State of Jharkhand and the fact that prayer was made by the petitioner for withdrawal of the writ petition, no purpose would be served in keeping the matter pending

The petition stands disposed of.

However, it is made clear that since the petitioner has already retired from service there would be no hindrance for the concerned court if appropriate step is taken by the Vigilance Investigation Bureau for re-opening the matter since after

retirement of a public servant under Section 19 of the Prevention of Corruption Act, there is no requirement for prosecution sanction. This observation may not be treated as a direction. This observation has been made only with a view to dispose of the present proceeding. Accordingly, the writ petition stands disposed of.

(Rakesh Kumar, J)

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