

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Civil Writ Jurisdiction Case No.25377 of 2013**

- =====
1. The Chief Secretary, Bihar, Patna
  2. The Principal Secretary, Home Department, Government of Bihar, Main Secretariat, Patna
  3. The Joint Secretary to the Government, Home (Police) Department, Bihar, Patna
  4. The Deputy Secretary, Home (Police) Department, Patna

.... .... Petitioners

Versus

1. Amitabh Kumar Das, Son of Shri Gauri Shankar Das, Resident of Mohalla - Shahganj (Benta), P.S. Darbhanga Medical College, District - Darbhanga
2. The Union of India through the Secretary, Government of India, Ministry of Home Affairs, North Block, New Delhi

.... .... Respondents

=====

**Appearance :**

For the Petitioners : Mr. Gautam Bose, Senior Advocate (A.A.G-8).  
Ms. Sanghamitra Ghosh, Advocate.  
For Respondent No.1 : Mr. Dinu Kumar, Advocate.  
Mr. Santosh Kumar, Advocate.  
For Respondent No. 2 : Mr. Anshuman Singh, C.G.C.

=====

**CORAM: HONOURABLE MR. JUSTICE V.N. SINHA**

**and**

**HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI**

ORAL JUDGMENT

**(Per: HONOURABLE MR. JUSTICE V.N. SINHA)**

**Date: 29-10-2015**

Heard learned counsel for the  
petitioners and the respondents.

2. State of Bihar is aggrieved by the  
order dated 04.01.2011 passed by Central  
Administrative Tribunal, Patna Bench in O.A. No.  
324 of 2010 (Annexure-A/1), whereunder the  
Tribunal has quashed the resolution of the Home  
(Police) Department dated 22.09.2010 (Annexure-



A/12 before the Tribunal, Annexure- A/6 in this writ petition), however, permitting the Inquiry Officer to proceed with the matter and submit his Inquiry Report on the basis of the materials already available on record.

3. Counsel for the State assailed the aforesaid order submitting that while permitting the Inquiry Officer to proceed with the matter the Tribunal has not granted liberty to the Inquiry Officer to examine the victim, her mother and brother within a stipulated period fixed by this Court, the State is seeking limited quashing of the direction of the Tribunal to the effect that Tribunal be directed to even examine the victim, her mother and brother within a stipulated period fixed by this Court.

4. Aforesaid request of the State is being opposed by the proceedee on the ground that inspite of several opportunity granted to the Presenting Officer, the victim, her mother and brother did not choose to appear and taking note of the delay in conducting the proceedings case of the Presenting Officer was closed in 2007 which was

never assailed by the Presenting Officer or the Department, as such, at this belated stage there cannot be any justification for permitting the Presenting Officer to examine the three witnesses when such request has already been rejected by the Tribunal.

5. We see substance in the submission made by the counsel for the respondents and are of the view that the impugned order of the Tribunal does not require any interference. The writ petition is, accordingly, dismissed, however, without cost.

**(V.N. Sinha, J)**

**(Aditya Kumar Trivedi, J)**

P.K.P.

|   |  |  |  |
|---|--|--|--|
| U |  |  |  |
|---|--|--|--|