

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.12899 of 2015

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Amol Narayan Choudhary, son of Late Dasarath Choudhary, resident of Village-Belahi, P.S.- Bihariganj, District-Madhepura.

.... Petitioner/s

Versus

1. The State of Bihar
2. The Divisional Commissioner, Koshi Division, Saharsa.
3. The District Magistrate, Madhepura.
4. The Block Development Officer Shankarpur, Madhepura.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Amit Kumar Anand

For the Respondent/s : Mr. Anshuman Singh, GP-24

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 14-12-2015

Heard learned counsels for the parties.

Only after the District Magistrate, Madhepura was directed to appear in person with the original records that a supplementary counter affidavit, shedding more light on the dispute, has been brought on record with supporting evidence.

It is evident from perusal of materials that the system has been kind enough to the petitioner all through, if not, it has surely facilitated petitioner's retirement, so that the issue could remain only on records. The Court is fortified in expressing such an opinion after having look at some of the annexures and ledger entries made as far back as in the year

2000 taking cognizance of the fact that the petitioner has not accounted for more than eight lacs of rupees, for which he was also placed under suspension, but no follow up action has been done thereafter.

The District Magistrate, Madhepura does accept the position that since the petitioner has superannuated years ago, issuance of a charge-sheet for drawing up a departmental enquiry is not supported by law. This should have been realized by the District Magistrate or the subordinates under him, when they embarked upon such an exercise, which was an exercise in futility and vulnerable.

If that be so, the order of the District Magistrate, dated 08.04.2015, contained in Annexure-13, is a nonest order and is required to be quashed.

It is left open to the respondents to do what is permissible under law now.

Writ application is allowed.

The presence of the District Magistrate, Madhepura now stands dispensed with.

This case is one of the examples for the District Magistrate to do some serious review of many a things in the manner in which this Collectorate is being run by his subordinate, especially in matters of finance if not administration. Court leaves it upon him to proceed against



the persons involved in such kind of conduct and fix responsibility, because atleast the State officials cannot be seen to be working against the interest of the State and public.

(Ajay Kumar Tripathi, J)

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