

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

**Civil Writ Jurisdiction Case No.12277 of 2008**

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Kapil Muni Chaudhary, Son of Awadh Lal Chaudhary, resident of village Anaith,  
P.S. Ara Nawada, District Bhojpur

.... .... Petitioner/s

Versus

1. The State of Bihar
2. Deputy Inspector General of Police, Shahabad Range at Dehri-on-sone, District Rohtas
3. Superintendent of Police, Dehri, Rohtas

.... .... Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Madanjeet Kumar

For the Respondent/s : Mr. (SC17)

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**CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI**

**ORAL JUDGMENT**

**Date: 23-04-2015**

This Court cannot sit in appeal over and above the findings, which have been given by the enquiry officer which led to imposition of certain punishment against the petitioner. The reason for initiation of departmental enquiry against the petitioner is that he was granted 16 days of leave but overstayed by 233 days. As a defence thereof, he produced a few medical prescriptions to show that he was unwell. Besides that, he has annexed certain medical prescriptions in the writ application as a justification thereof.

From a reading of the impugned order contained in Annexure- 5, it is evident that the petitioner never participated and cooperated in the departmental enquiry. He now wants to take advantage on the basis of certain prescriptions which in no way

indicate that the petitioner was so critically ill that he needed to rest for 233 days when he was not even hospitalized or given any treatment under medical supervision, if he was that critical. Obviously, it is an effort made by the petitioner to overcome the punishment order as an after thought. In addition to that, petitioner has already superannuated. The reason for punishment having visited the petitioner is attributable to him. This Court will not, therefore, reanalyze the evidence which has been produced de novo in the writ application as a justification.

Writ is dismissed being devoid of merit.

**(Ajay Kumar Tripathi, J)**

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