

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14928 of 2015

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Punita Shrivastava W/o Dr. Sunil Kumar Verma resides at in front of Shubhash Chandra Bose High School, Yadav Nagar, P.S. - Bhagwanpur, District - Muzaffarpur, presently posted as Up Nideshak, Khadya (Joint Secretary), Tirhut Pramandal, Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, General Administration Department, Govt. of Bihar, Patna.
3. The Principal Secretary, Department of Finance, Govt. of Bihar, Patna.
4. The Divisional Commissioner, Patna Division, Patna.
5. The District Magistrate, Buxar.
6. The Chief Accountant General, Bihar, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Dr. Kislay, Adv
For the State : Mr. Ram Balak Mahto AG
For the A.G. : Mr. Jitendra Kumar Roy, Adv

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL JUDGMENT

2 28-09-2015 Heard learned counsel for the parties.

Having regard to the fact that the petitioner has only been subjected to initiation of departmental proceeding by way of framing of charge under the order of the State Government dated 05.06.2015, this Court will find no reason to interfere with the same only because the petitioner has a sound defence that her decision of settlement was based on the order passed by the higher authority including the Divisional Commissioner. All these are matter of defence of the petitioner, which can be gone into in course of

departmental proceeding and therefore, this Court would hold the present writ application to be wholly misconceived and ill advised.

It is, accordingly, dismissed.

But then it is made clear that if the petitioner will file her written statement of defence, the whole issue will be examined by the disciplinary authority, before starting the formal departmental inquiry. In other words, if the disciplinary authority is satisfied with the explanation furnished by the petitioner, it will take decision not to proceed further but on the other hand if the disciplinary authority is not satisfied, it will refer the matter to the inquiry officer, to hold the inquiry against the petitioner and submit his inquiry report.

At this stage, learned counsel for the petitioner, has submitted that on account of pendency of the departmental proceeding, the petitioner may get prejudiced in her selection in the cadre of Indian Administrative Service (I.A.S) under the promotion quota from Bihar Administrative Service.

Having regard to the aforesaid aspect, this Court would



direct the petitioner to submit his written statement of defence within a period four weeks from today, whereafter the inquiry officer shall ensure that the departmental inquiry against the petitioner is conducted and completed within a period of three months from the date of filing of the written statement of defence by the petitioner. This Court would further direct the State Government being the appointing authority of the petitioner to ensure that a final decision on the basis of the inquiry report of the Divisional Commissioner, Patna must be taken in next three months from the date of filing of the inquiry report by the inquiry officer. The said time schedule should be strictly followed, so that the petitioner is not prejudiced in the matter of her consideration for promotion in the I.A.S.

With the aforementioned observation and direction, this application is disposed of.

(Mihir Kumar Jha, J)

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