

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12914 of 2013

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Ram Kripal Bhagat son of Lat e Mangru Bhagat, r/o village and post Parev,
P.S. and district Patna.

.... Petitioner/s

Versus

The State of Bihar & Ors

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr.

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

6 12-01-2015

Heard learned counsel for the petitioner and the State.

In the present case, petitioner has been visited with the impugned orders contained in Annexures-7 and 9 whereby and whereunder he has been dismissed from service on account of having married second time without the permission of the authority.

In the present case, petitioner has served the Zila Parishad, Bhojpur, Ara and Smt. Malti Devi is the first wife who made complaint against the petitioner that he has solemnized a 2nd marriage with another lady. On the direction of this court in LPA No. 1627 of 2009, a contempt petition vide MJC No. 5901 of 2011 a departmental proceeding was initiated against him. During the proceeding, the fact emerges that the 2nd marriage had taken place 36 years before and the departmental proceeding has been initiated after such a long delay, that too, on the complaint filed by the first

wife after such a long lapse of time.

From the record it appears that the first wife, the petitioner has one daughter and one son and he has also accepted that the marriage of daughter from first wife has been organized by the petitioner and the son is living with the petitioner. Claim has been made that the complaint has been filed at the behest of her brother.

This Court is not examining these facts. The limited fact is that the petitioner has entered into 2nd marriage with another lady 36 years earlier.

Counsel for the petitioner also submitted that the petitioner is ready to keep his first wife with proper dignity and without any grievance. The order of termination on the ground of 2nd marriage that had taken place 36 years earlier this Court feels that the order of punishment is completely disproportionate, as no prudent person will pass such a harsh punishment when allegation has been made after such a long lapse of time.

In this view of the matter, the order of punishment passed in the present case (Annexure-9) is hereby quashed and the matter is remanded back to the Deputy Development Commissioner cum Chief Executive Officer, respondent no.5 who will pass the order considering nature of misconduct committed

by the petitioner. While passing the order, he will also consider one aspect of the matter that how and in what manner the first wife can be compensated so that she can live a dignified life.

This petition is allowed to the extent indicated above.

(Shivaji Pandey, J)

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