

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.22515 of 2011

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Rajesh Ranjan Son Of Sri G.P. Singh Posted As Peon, In Nazarat Of Civil Court, Jamui, District-Jamui Petitioner

Versus

1. The Hon'ble Patna High Court Through The Registrar General, Patna.
 2. The District And Sessions Judge, Jamui In His Administrative Side.
 3. The Judge-In-Charge, Administration, Jamui.
 4. The Registrar, Civil Court, Jamui Respondents
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Appearance :

For the Petitioner/s : Mr. Shravan Kumar, Sr. Advocate and
Mr. Diwakar Upadhyaya, Advocate
For the Respondent/s : Mr. Bindhyachal Singh, Advocate and
Mr. Smiriti Singh, Advocate

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**CORAM: HONOURABLE MR. JUSTICE SAMARENDRA
PRATAP SINGH**
ORAL ORDER

4 03-03-2016 Heard learned counsel for the petitioner, State and respondents no.2 to 4.

The petitioner prays for quashing of order no. 97P dated 10.12.2010, passed by the District & Sessions Judge, Jamui in Departmental Proceeding No.2(A) of 2009 by which one annual increment of the petitioner has been stopped permanently.

The petitioner was a peon in the Civil court, Jamui. He was departmentally preceded for asking bribe of a sum of Rs. 15,000/- for securing favour to the complainant Ravindra Kumar Das. The enquiry officer exonerated him of the charges. The District and Sessions Judge accepted the enquiry report and consequently did not award any punishment. Thereafter, the

District & Sessions Judge vide his order dated 26.10.2009 without assigning any reason set aside the departmental proceeding and directed for initiation of fresh proceeding against the delinquent giving rise to Proceeding no.2(A) of 2009.

In my view, the procedure adopted by the District & Sessions Judge, Jamui is alien to the well prescribed procedure with respect to departmental proceedings. Once the District & Sessions Judge, Jamui accepted the enquiry report and exonerated the petitioner, he lacks jurisdiction to set aside the proceeding and reopen the same. Only the superior authority could have reviewed the matter.

In this view of the matter, subsequent departmental proceeding and the punishment awarded to the petitioner too are without jurisdiction and are accordingly set aside.

The writ petition is thus allowed.

(Samarendra Pratap Singh, J)

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