

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.2038 of 2015

Arising out of

Civil Writ Jurisdiction Case No. 129 of 1999

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1. The Bihar State Financial Corporation, Fraser Road, Patna, through its Managing Director.
 2. The Board of Directors of Bihar State Financial Corporation, through its Chairman, Patna, having its office at Fraser Road, Patna.
 3. The Managing Director, Bihar State Financial Corporation, Fraser Road, Patna.
 4. The Officer-On-Special Duty, Bihar State Financial Corporation, Fraser Road, Patna.

.... Appellant/s

Versus

1. Gaurav Kumar Mishra
2. Saurav Kuamr Mishra
3. Vaibabh Kumar Mishra
All sons of late U.C. Mishra, resident of Vilage Prasadi Tola, P.O. Chakauti, P.S. Jalley, District Darbhanga.
4. Sri A. K. Singh, I.A.S., Member Finance, Bihar State Electricity Board, Vidyut Bhawan, Bailey Road, Patna.
5. Sri Shok Kumar, Assistant General Manager, Bihar State Electricity Board, Vidyut Bhawan, Bailey Road, Patna (Enquiry Officer)
6. Mr. Pankaj Kumar Jha, Deputy Manager, Vigilance & Grievance Cell, Bihar State Financial Corporation, Patna (Presenting Officer).

.... Respondent/s

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Appearance :

For the Appellants : Mr. Y. V. Giri, Sr. Advocate with
Mr. Nikhil Kumar Agrawal, Advocate

For the Respondents : Mr. Tej Bahadur Singh, Sr. Advocate with
Mrs. Namrata Mishra and
Mr. Alok Ranjan, Advocates

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CORAM: HONOURABLE MR. JUSTICE HEMANT GUPTA
and
HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE HEMANT GUPTA)

Date: 29-07-2016

The challenge in the present Letters Patent Appeal is to an order passed by the learned Single Bench of this Court on 23rd March, 2015 whereby, the order of punishment of dismissal from service by the disciplinary authority and the order passed by the Appellate Authority dated 26th June, 1997 was set aside.

Before this Court, learned counsel for the respondents have raised an argument that the disciplinary authority, who has passed the order of dismissal, was also a member of the Board of Directors, the Appellate Authority when the appeal was dismissed. Therefore, there is likelihood of bias in the order passed by the Board of Directors.

Learned counsel for the parties agree that the order passed by the learned Single Bench and that of the Appellate Authority dated 26th June, 1997 be set aside and the Appellate Authority be directed to re-consider the appeal of the deceased U.C. Mishra afresh in accordance with law.

In view thereof, we set aside the order passed by the learned Single Bench on 23rd March, 2015 and that by the Appellate Authority dated 26th June, 1997 and remit the matter to the Board of Directors of Bihar State Financial Corporation to consider the appeal filed by the late U.C. Mishra afresh in accordance with law. The Board of Directors shall decide the appeal without being influenced

by any of the findings recorded by the learned Single Bench and if consider appropriate, give liberty to one of the legal heirs to represent the estate of late U.C. Mishra in an appeal before it.

The appeal stands disposed off in above terms.

(Hemant Gupta, J)

(Ahsanuddin Amanullah, J)

Anjani/P. Kumar

AFR/NAFR	NAFR
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