

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.3828 of 2014

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Radha Krishna Singh Yadav Son Of Late Chandradeo Singh Yadav Resident Of
Village- Durga Chak, P.S.- Kateya, District- Gopalganj At Present Resident Of
Mohalla- Kirshi Nagar, House No. C/10, P.S.- Rajiv Nagar, District- Patna

.... Petitioner

Versus

1. The State Of Bihar Through Principal Secretary, Human Resources
Development Department, Bihar, Patna
 2. The Principal Secretary, Human Resources Development Department, Bihar,
Patna
 3. The Director (Administration)-Cum-Additional Secretary, Education
Department, Bihar Patna
- Respondents
- =====

Appearance :

For the Petitioner : Mr. B K Sinha, Senior Advocate and
Mr. Alok Kumar, Advocate

For the Respondents : Mr. AC to SC 24.

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

ORAL JUDGMENT

Date: 15-03-2016

The petitioner prays for quashing of notification of Education department, Government of Bihar contained in memo dated 27.1.2014, issued by respondent no.3 by which he was suspended. He further prays for quashing memo no. 106 dated 20.2.2014 issued by respondent no.3 by which memo of charge has been served to him.

So far as 2nd relief is concerned, it is relevant to know that the petitioner was departmentally proceeded for acquiring assets disproportionate to his known source of income. The petitioner in his defence stated that he is living in the house of his father-in-law and his property has also been clubbed with his property which is



erroneous and unreasonable. He submits that the enquiry officer exonerated him of the charges of acquiring assets disproportionate to his known source of income. Learned counsel in support of submission referred to the enquiry report submitted by enquiry officer. It appears from the conclusion portion of the enquiry report that the petitioner has not been given documents which indicate that he acquired disproportionate income. So far as 1st charge is concerned, the enquiry officer has exonerated him and so far as 2nd charge is concerned the enquiry officer stated that some facts have been withheld and as such charge no.2 stands proved. The petitioner as such was asked to submit his response with respect to the same in terms of Rule 18(3) of the Bihar CCA Rules, 2005, appending a copy of the enquiry report.

The petitioner submits that in order to file his effective reply he sought for necessary documents vide letter dated 19.6.2014. He submits that as soon as necessary documents are supplied to him, he would file his show cause reply. However, the petitioner retired during the pendency of the proceeding which was subsequently converted into a proceeding under Rule 43B of the Bihar Pension rules,

In my view, if the petitioner files an application before the authority concerned within a period of three weeks from the date of

receipt of a copy of this order, the latter would pass appropriate order on his application with respect to demand of necessary documents, within a period of four weeks thereof to ensure early conclusion of the departmental proceeding.

It is relevant to state here that for the aforesaid charge, criminal prosecution has also been launched against the petitioner.

The writ petition is thus disposed of.

(Samarendra Pratap Singh, J)

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