

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5694 of 2015

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1. Dhirendra Kumar, Son of Sri Suresh Prasad Singh, resident of Chanakyapuri Colony, Gaya, Police Station- Rampur in the district of Gaya.

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Minor Water Resources Department, Government of Bihar, Patna.
2. The Principal Secretary, Minor Water Resources Department, Government of Bihar, Patna.
3. The Engineer-in-Chief-cum-Project Co-Ordinator, Tube Well Wing, Bishvesbaraiya Bhawan, Patna.
4. The Chief Engineer (North), Tube Well, Muzaffarpur.
5. The Superintending Engineer (North), Tube Well Circle, Muzaffarpur.
6. The Executive Engineer, Tube Well Division, Siwan.
7. The Secretary, Cabinet Vigilance, Government of Police, Vigilance, Government of Bihar, Patna.
8. The Additional Director General of Police, Vigilance, Government of Bihar, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar

For the Respondent/s : Mr. Anjani Kumar- AAG-6

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CORAM: HONOURABLE THE ACTING CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH

ORAL ORDER

(Per: HONOURABLE THE ACTING CHIEF JUSTICE)

2 13-01-2016 Heard Mr. Sunil Kumar, learned counsel for the petitioner, and Mr. Anjani Kumar, learned Additional Advocate General No. 6, appearing for the State-respondents.

In view of the fact that the State-respondents have averred, in their counter affidavit filed in this writ petition, made under Article 226 of the Constitution of India, in the form of PIL, to the effect that following preliminary enquiry, disciplinary actions have been initiated against erring officials, who have been identified under report of the Enquiry Committee and that *First Information Report* will be lodged, when the enquiry report from

the Vigilance Department is received, we, in view of the above and in the interest of justice, close this proceeding with liberty to the petitioner to approach this Court with appropriate application if the disciplinary proceedings aforementioned are not brought to their logical conclusion in accordance with law and if no criminal action is initiated against the erring persons.

Notwithstanding what we have directed, it shall remain open to the petitioner to lodge *First Information Report* or take recourse to such other provisions of law as may be permissible for the purpose of initiating criminal or civil action against the erring persons.

We may, however, make it clear that the observations made hereinabove and the directions given shall not be considered as our final opinion in respect of culpability of the persons, who have been identified as the erring persons in the functioning of the Water Resources Department, Minor Irrigation Tube Well Division, Government of Bihar, Patna.

With the aforesaid observations and directions, this writ petition is disposed of.

(I.A. Ansari, ACJ)

(Chakradhari Sharan Singh, J)

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