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IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No 1636 of 2014
IN
Civil Writ Jurisdiction Case No 3517 of 2010

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1. The State of Bihar through the Principal Secretary, Department of Health, Govt. of Bihar, Patna.
2. The Special Secretary, Department of Health Government of Bihar, Patna.
3. The Joint Secretary, Department of Health Government of Bihar, Patna.
4. The Under Secretary, Department of Health, Government of Bihar, Patna.
5. Deputy Secretary, Department of Health, Government of Bihar, Patna

.... Appellant/s

Versus

Dr Naresh Prasad Singh, Son of- Late Banka Singh, Resident of- Barh (Near Kacheri), P.S._ Barh, District- Patna.

.... Respondent/s

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For the Appellant/s : Mr S Rahman, AC to SC VII

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CORAM: HON'BLE MR JUSTICE NAVANITI PRASAD SINGH
And
HON'BLE JUSTICE SMT NILU AGRAWAL

ORAL JUDGMENT

(Per: HONOURABLE MR JUSTICE NAVANITI PRASAD SINGH)

Date: 08-01-2016

Heard learned counsel for the State.

2 IA No 9282 of 2014 has been filed for condonation of delay of more than four months in filing the appeal.

3 For the reasons mentioned therein, delay in filing the appeal is condoned. IA No 9282 of 2014 stands disposed of.

4 With the consent of learned counsel, the appeal is heard on merit and is being finally disposed of at this stage itself.

5 The writ petitioner, who was a doctor, was departmentally proceeded and dismissed from service. He had

challenged the dismissal by filing the writ petition primarily on two grounds. Firstly, the delayed initiation of departmental proceedings and secondly that the departmental proceedings itself was vitiated for gross irregularities. The learned Single Judge, considering the facts and examining the original records of the departmental proceedings, allowed the writ petition and set aside the dismissal order. The learned Single Judge clearly held that the departmental proceedings were initiated more than ten years after the delinquency was alleged to have been committed. There was no explanation whatsoever for the delay. The learned Single Judge, having perused the pleadings and original records of the departmental proceedings, clearly came to the finding that the departmental authorities, apart from making allegations, did not prove any of those allegations. No document was proved. No person was examined in support of the departmental allegations/charges. When the writ petitioner sought for certain documents, they were also not disclosed. On these findings, the order of extreme punishment, being dismissal, was set aside.

6 Having gone through the records, we do not find any impropriety or anything wrong with the order of the learned Single Judge. We, therefore, find no merit in this appeal which is liable to be dismissed and is dismissed as such.

7 Learned counsel for the State then submitted that the

allegations being serious, the matter ought to be remanded to the disciplinary authority for reinitiating the proceedings overcoming the lacunae committed. We are unable to appreciate the submission. It was for the State to take steps to prove the allegations and it cannot be said that the State was not aware of its obligations in this regard.

8 In that view of the matter, this prayer also cannot be acceded to.

(Navaniti Prasad Singh, J)

(Nilu Agrawal, J)

M.E.H./-

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