IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8234 of 2014

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Wakil Prasad Yadav S/o Sri Kishan Prasad Yadav at Mirjapur, P.O. Golhati, Via Baunsi, P.S. Baunsi, Distt. Banka the then Commercial Taxes Officer, Sitamarhi, Circle - Sitamarhi, Distt. - Sitamarhi Presently posted as Commercial Taxes Officer, Investigation Bureau, Magadh Division, Gaya Distt. Gaya.

.... Petitioner

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna.
2. The Commissioner-cum-Principal Secretary, Commercial Taxes Department, Bihar, Patna.
3. Conducting Officer-cum-Addl. Commissioner, Commercial Taxes Department, Bihar, Patna.
4. Conducting Officer-cum-Joint Commissioner (Admn.), Commercial Taxes, Magadh Division, Gaya, Bihar
5. Under Secretary, Commercial Taxes Department, Bihar, Patna.

.... Respondents

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Appearance :
For the Petitioner/s : Mr. Kishore Kumar Thakur, Adv.
For the Respondent/s : Mr. Anil Kumar Singh, GP26
Mr. Gautam Kumar Yadav, AC to GP26

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

2 19-11-2016 Heard Mr. Kishore Kumar Thakur, learned counsel for the petitioner, and Mr. Gautam Kumar Yadav, AC to GP26, for the State.

The writ petition was filed questioning initiation of a disciplinary proceeding vide order dated 20.3.2014, a copy of which is enclosed at Annexure 1 to the writ petition.

When the matter was taken up it is stated at the Bar by Mr. Kishore Kumar Thakur, learned counsel for the petitioner, that the departmental proceeding was held during the pendency of the writ petition and while the petitioner was exonerated of two of the three charges, one charge was upheld, inter alia, on the ground of pendency of a criminal proceeding. He submits that some further developments have taken place thereafter in which, to the knowledge of the petitioner, a decision is taken to hold de novo enquiry. He, however, fairly admits that that such decision would have to be questioned in an independent proceeding on its own grounds.

Having heard learned counsel for the parties and considering that while the petitioner had questioned the very initiation of the disciplinary proceeding, the present status is that the proceeding was held and report submitted, in my opinion, the issue raised has been rendered infructuous by passage of time and in view of the subsequent developments taken note of above.

The writ petition is, accordingly, disposed of leaving it open for the petitioner to question the outcome of the disciplinary proceeding, if so advised, by an independent application.

(Jyoti Saran, J)

Surendra/-

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