

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.193 of 2016
IN
Civil Writ Jurisdiction Case No. 12247 of 2015**

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Alok Kumar Sharma Son of Late Ramashish Thakur, Resident of Village - Bani,
P.S. - Dhanarua, District - Patna.

.... Appellant/s

Versus

1. The State of Bihar
2. The Principal Secretary, General Administration Department, Government of Bihar, Patna.
3. The District Magistrate, Patna.
4. The Additional Collector cum Inquiry Officer, Patna.
5. The Sub- Divisional Officer, Masaurhi, Patna.
6. The LRDC, Masaurhi cum presenting Officer, Patna.
7. The Sub-Divisional Officer, Barh, Patna.
8. The Circle Officer, Punpun, Patna.
9. The Additional Director General, Vigilance, Government of Bihar, Patna.

.... Respondent/s

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Appearance :

For the Appellant : Mr. Rakesh Narayan Singh, Advocate
For the State : Mr. Jai Prabhat Krishna, AC to SC-13

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 17-04-2017

After conduct of the enquiry into the memorandum of charge sheet in question, the petitioner has already been dismissed from service. The question as to whether pending finalization of the criminal case, the petitioner could be dismissed from service, is now a



question, which can be raised by the petitioner, while challenging his subsequent dismissal order and, therefore, now, when in the writ petition challenge was only made to the memorandum of charge, no indulgence can be made.

Granting liberty to the petitioner to challenge subsequent action of the department dismissing him from service after conducting the departmental proceeding, we dispose of the matter.

(Rajendra Menon, CJ)

(Sudhir Singh, J)

Narendra/-

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
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