

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.1840 of 2016

In
Civil Writ Jurisdiction Case No.10976 of 1997

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Vishwanath Prasad @ Sri Vishwanath Prasad, Son of : Sri Ramdeo Prasad,
Resident of C/o Sri Ramprit Prasad, Mohalla: Jakkanpur, Hajamtoli Laxmi
Market, P.O. Jakkanpur Bateshwar Gali, P.S. Gardanibagh, District: Patna.

... .. Appellant/s

Versus

1. The State of Bihar.
2. The Inspector General of Police, Special Branch, Bihar, Patna.
3. The Deputy Inspector General of Police, Special Branch, Bihar, Patna.
4. The Superintendent of Police, Special Branch, Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Dev Kumar Pandey Mr Mandan Mohan
For the Respondent/s	:	Mr. Sanjay Kumar, AC to AAG 4

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI
and
HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

Date : 14-12-2017

For the reasons indicated in the condonation application, the delay of 1 year and 177 days is condoned. I.A. No.7597 of 2016 stands allowed. Matter is thereafter taken up on merits.

Heard counsel for the appellant and counsel for the State. Also perused the impugned order dated 20.02.2015 passed by the learned Single Judge.

The submission of the learned counsel for the appellant that prejudice has been caused because of non- appearance of the



counsel before the writ court is not reflected on reading of the impugned order. Regular departmental inquiry was held. Finding of guilt was recorded. No infirmity with the process and procedure with the departmental inquiry was found by the learned Single Judge, therefore, he refused to interfere with the decision of punishment of dismissal.

The charges are rather serious and they all stand proved. Merely because the appellant managed to get exoneration before a criminal court for obvious reason, that cannot become a ground for interfering with the order of punishment of dismissal. It is also submitted that the plea taken in the writ application have not been taken note of by the learned Single Judge. With due respect, such generality of submission does not make the case any better.

Appeal has no merit. It is dismissed.

(Ajay Kumar Tripathi, J)

(Rajeev Ranjan Prasad, J)

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AFR/NAFR	NAFR
CAV DATE	NA
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