

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.934 of 2016

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Devendra Prasad S/o late Krishna Prasad R/o 120B Shyam Sundar Complex,
Jagdeo Path More, Bailey Road, P.s Shastrinagar, District Patna.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Principal Secretary, Home Department Government of Bihar, Patna.
3. The Joint Secretary, Department of Home, Government of Bihar, Patna.
4. The Additional Secretary-cum-Director, Administration, Home Department, Bihar, Patna.
5. The Inspector General, Prison and Reforms Services, Inspectorate, Bihar, Patna.
6. The Joint Commissioner, Departmental Enquiry- Cum-Conducting Officer, Koshi Division, Saharsa.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Jagannath Singh, Adv.

For the Respondent/s : Mr. Nawal Kishore Singh-SC-2.

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 16-08-2017

The order in the disciplinary proceeding is resting entirely on the charges which are also the foundation for the vigilance case instituted against the petitioner. Considering that these charges, which are basically a reflection of alleged financial irregularity committed by the petitioner and is subject matter of vigilance case which is pending consideration before the competent criminal court, I am not persuaded to interfere with the order passed by the disciplinary authority for whatsoever be the evidence relied upon by the



disciplinary authority to pass the order of dismissal, are the evidence before the criminal court for establishing the charge. Besides, the other circumstance which does not persuade this Court to express any opinion for the present is, that the petitioner has not bothered to respond to the charges relating to financial irregularities simply on the plea of non-supply of documents when it is the vigilance report together with its enclosures which is the basis for the disciplinary proceeding.

Since the order on the disciplinary proceeding is to be tested on the touchstone of preponderance of probability, for the present no indulgence is called for. The petitioner shall be at liberty to take recourse to such remedy as available to him in law, in case the criminal case ultimately draws in his favour.

The writ petition is dismissed.

(Jyoti Saran, J)

Devendra/-

AFR/NAFR	NAFR
CAV DATE	
Uploading Date	01.09.2017
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