

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.518 of 2016
Arising out of
Civil Writ Jurisdiction Case No. 21742 of 2014**

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Rajesh Kumar, Son of Bhola Nath Prasad, Resident of village - Mauleshwari
Chowk, Police Station Town, District - Siwan

.... Appellant/s

Versus

1. The State of Bihar
2. Secretary Personal and Administrative Reforms Department, Govt. of Bihar,
Patna
3. Principal Secretary, Department of Education, New Secretariat, Govt. of Bihar,
Patna
4. Director Secondary Education, Govt. of Bihar, Patna
5. Deputy Director, Department of Education, New Secretariat, Govt. of Bihar,
Patna

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Sanjay Kumar, Advocate

For the Respondent/s : Mr. Kinkar Kumar, S.C. 27

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 17-05-2017

Seeking exception to an order dated 27.07.2015 passed
by the learned Writ Court in C.W.J.C. No. 21742 of 2014, this appeal
has been filed under Clause 10 of the Letters Patent and there being a
delay of 144 days in filing of the appeal, I.A. No. 2250 of 2016 has
been filed seeking condonation of delay.

2. Taking note of the reasons indicated in the
Interlocutory Application and finding it to be *bona fide*, the delay in
filing of the appeal is condoned.



3. I.A. No. 2250 of 2016 stands allowed and disposed of.

4. Appellant had filed the writ petition and the prayer made in the writ petition was that a departmental proceeding initiated against the appellant should be stayed since he is already facing a criminal case on the charges based on which the departmental inquiry has been initiated i.e. criminal case for his prosecution for offences under Sections 467, 468, 471, 490 and 420 of the I.P.C. in the matter of producing forged and fabricated document with the University for seeking employment in the University by producing forged certificates and mark-sheet of Graduation and Post Graduation so also Ph.D. and further prayer made was that the suspension of the appellant is not called for and on account of inordinate delay in conclusion of the inquiry, the suspension should be revoked.

5. The learned Writ Court has evaluated the question of law in the backdrop of various judgments applicable with regard to the conduct of the departmental inquiry and the criminal case and has refused to interfere into the matter and thereafter for the purpose of conducting an inquiry which has been delayed, directions have been issued for holding the inquiry in a particular manner as is evident from Paragraph 14 onwards of the judgment.

6. The learned Writ Court having considered various



aspects of the matter and having already issued direction for speedy disposal of the matter, we find no reason to make any indulgence into the matter. However, the authorities are directed to ensure that the departmental proceedings and the criminal case are concluded in accordance to the directions already issued by the Writ Court and if not done, the same be given effect to immediately.

7. With the aforesaid observation, finding no indulgence to be made into the matter, the Letters Patent Appeal stands dismissed.

(Rajendra Menon, CJ)

(Sudhir Singh, J)

P.K.P.

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