

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.476 of 2016
IN
Miscellaneous Jurisdiction Case No. 724 of 2015**

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The State of Bihar, through the Director, Primary Education, Government of Bihar,
Patna

.... Appellant/s

Versus

Lallu Paswan Son of Late Ram Surat Paswan, Resident of village- Vaishali at
present posted at Block Education Officer, Chhatapur, Supaul

.... Respondent/s

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Appearance :

For the Appellant : Mr. Naresh Prasad, AC to SC-2

For the Respondent :

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date: 19-05-2017

Challenging an order dated 08.01.2016 passed in M.J.C.

No.724 of 2015, this appeal has been filed under Clause 10 of the
Letters Patent.

Facts, in brief, go to show that the respondent employee
filed a writ petition, being C.W.J.C. No.3895 of 2014, challenging the
departmental action initiated against him after suspension and also
contended that once the Enquiry Officer has exonerated him, no
action can be taken against him. The writ petition was decided by a
Bench of this Court after hearing all concerned on 21.07.2014 and
while allowing the writ petition the Writ Court held as under :

“The proceeding, if held, must be in accordance with law



and with full compliance of Principles of Natural Justice. In that case, if the proceeding is not concluded within three months from the date of issue of show cause notice to the petitioner, it will be deemed that the respondents have decided not to proceed further and they shall be deprived the right of reopening the matter at any subsequent point of time.

This writ application is accordingly allowed with the aforesaid observations and directions.”

From the aforesaid, it is clear that in pursuance to this order passed, it was incumbent upon the State Government to conclude the enquiry within the period of three months, failing which under law the enquiry is deemed to have been quashed. The order passed by the Writ Court on 21.07.2014 was never challenged. It attained finality and, therefore, the directions issued hereinabove attained finality and became a legally binding order on all concerned. The enquiry was not completed within the period of three months, as a consequence thereof it was deemed to have been quashed, but after a period of three months an M.J.C. was filed seeking extension of time to complete the enquiry. The learned Writ Court took note of the same and found that now extension can be granted and rejected the application. In this appeal also, the original order passed in the writ petition is not challenged, what is challenged is only the order passed refusing to grant extension.



In the facts and circumstances of the case, we are of the considered view that the learned Writ Court has not committed any error. We see no case for making any indulgence into the matter.

The appeal stands dismissed.

(Rajendra Menon, CJ)

(Sudhir Singh, J)

Narendra/-

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