

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.8584 of 2014

=====

Jamuna Ram Son of Late Bala Ram Resident of Village P.O and P.S- Gawal Bigha,
District Gaya, at present resident of Bihar State Homeopathic Board Building,
Kadamkuna, Patna.

.... Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Health and Family Welfare Department, Government of Bihar, Patna.
3. The Joint Secretary, Health and Family Welfare Department, Bihar, Patna.
4. The Director, Indigenous Medicines, Bihar, Patna, Patna.
5. The Bihar State Homeopathic Board Kadamkuan, Patna through the President.
6. The President, Bihar State Homeopathic Board, Kadamkuan, Patna.
7. The Registrar, Bihar State Homeopathic Board, Kadamkuan, Patna.

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Anil Kumar Mukund

For the Respondent/s : Mr. Prabhat Ranjan Singh, A.C. to A.A.G-15

=====

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA

ORAL JUDGMENT

Date: 08-08-2017

Heard both sides.

2. The petitioner in this writ petition seeks quashing of the order dated 16.04.2014 as contained in Memo no. 906 by which the Registrar, Bihar State Homeopathic Medicine Board (hereinafter referred to as "The Board") dismissed the petitioner from his service.

3. Mr. Anil Kumar Mukund, the learned counsel for the petitioner submits that the petitioner is dismissed from his service without holding any departmental inquiry. The order of dismissal of the petitioner states that the petitioner has been dismissed under



Rule 14(11) of Bihar Government Servants (Classification Control and Appeal) Rules 2005 (hereinafter referred to as “The CCA Rules”), but no departmental inquiry is held. The Rule 14 of the CCA Rules only defines the minor and major punishment, but does not empower the Board to dismiss the petitioner without holding departmental inquiry as prescribed under 17 of the CCA Rules 2005.

4. The learned counsel for the Homeopathic Board (respondent nos. 5 to 7) is not in a position to justify the order of termination and submitted that only in accordance with the directions of the State Government, the Board has taken decision to terminate the services of the petitioner. The petitioner was working as clerk in the Board and he was put under suspension. The Joint Secretary, Health Department, directed the Registrar of the Board to initiate departmental proceeding and take necessary action against the petitioner as the petitioner was caught red handed by the Vigilance Department while accepting bribe, but it appears that the Board without holding any departmental inquiry as envisaged under Rule 17 of the CCA Rules, dismissed the petitioner from his service. Therefore, I find that the order terminating services of the petitioner without holding departmental inquiry is bad and not sustainable. Accordingly, the order dated 16.04.2014 as contained in Memo no. 906 (annexure-1) is set aside. The matter is remitted to the Registrar,



Board to proceed afresh in accordance with law and the writ application is allowed.

(Prabhat Kumar Jha, J)

rohit/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	18.08.2017
Transmission Date	

