

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.13084 of 2010

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Rajendra Prasad Yadav, son of Late Badri Narayan Yadav, resident of village - Kurlea, P.S.-Barari District - Katihar.

.... Petitioner

Versus

1. The State of Bihar, through the Principal Secretary, Department of Home, Government of Bihar, Patna.
2. The Principal Secretary, Department of Home, Government of Bihar, Patna.
3. The Inspector General, Prison, Bihar, Patna.
4. The Director, Administration Home (Jail) Department, Bihar, Patna.
5. The Jail Superintendent, Central Jail, Buxar.
6. The Jail Superintendent, Central Jail, Siwan
7. The Jailor, District Jail, Siwan.

.... Respondents

With

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Civil Writ Jurisdiction Case No. 14054 of 2010

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Md. Ishaque , son of Late Sheikh Hatim, Resident of village- Saripur, P.S.- Buxar, in the district of Buxar

.... Petitioner

Versus

1. The State of Bihar, through the Principal Secretary, Department of Home, Government of Bihar, Patna.
2. The Principal Secretary, Department of Home, Government of Bihar, Patna.
3. The Inspector General, Prison, Bihar, Patna.
4. The Director, Administration Home (Jail) Department, Bihar, Patna.
5. The Jail Superintendent, Central Jail, Buxar.
6. The Jail Superintendent, Central Jail, Siwan
7. The Jailor, District Jail, Siwan.

.... Respondents

With

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Civil Writ Jurisdiction Case No. 14197 of 2010

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Dukhoo Marandee, son of Baiju Marandee, resident of Village - Gokhulpur, P.S. Amdanda, District - Bhagalpur

.... Petitioner

Versus

1. The State of Bihar, through the Principal Secretary, Department of Home, Government of Bihar, Patna.
2. The Principal Secretary, Department of Home, Government of Bihar, Patna.
3. The Inspector General, Prison, Bihar, Patna.
4. The Director, Administration Home (Jail) Department, Bihar, Patna.
5. The Jail Superintendent, Central Jail, Buxar.
6. The Jail Superintendent, Central Jail, Siwan
7. The Jailor, District Jail, Siwan.



.... Respondents

With

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Civil Writ Jurisdiction Case No. 15610 of 2010

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Raj Kishore Singh, son of Late Madho Singh, resident of village Fatehpur, P.S. Gaurichak, in the district-Patna

.... Petitioner

Versus

- 1. The State of Bihar, through the Principal Secretary, Department of Home, Government of Bihar, Patna.
- 2. The Principal Secretary, Department of Home, Government of Bihar, Patna.
- 3. The Inspector General, Prison, Bihar, Patna.
- 4. The Director, Administration Home (Jail) Department, Bihar, Patna.
- 5. The Jail Superintendent, Central Jail, Buxar.
- 6. The Jail Superintendent, Central Jail, Siwan
- 7. The Jailor, District Jail, Siwan.

.... Respondents

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Appearance :

(In CWJC No.13084 of 2010)

For the Petitioner : Mr. Sunil Kumar,
Mr. Arvind Kumar, Advocates

For the Respondents : Mr. Rakesh Ambastha, AC to AAG 7
(In CWJC No.14054 of 2010)

For the Petitioner : Mr. Sunil Kumar,
Mr. Arvind Kumar, Advocates

For the Respondents : Mr. Sunil Kr. Mandal, SC 3
Mrs. Alka Singh, AC to SC 3

(In CWJC No.14197 of 2010)

For the Petitioner : Mr. Sunil Kumar,
Mr. Arvind Kumar, Advocates

For the Respondents : Mr. Sunil Kr. Mandal, SC 3
Mrs. Alka Singh, AC to SC 3

(In CWJC No.15610 of 2010)

For the Petitioner : Mr. Sunil Kumar,
Mr. Arvind Kumar, Advocates

For the Respondents : Mr. Rakesh Ambastha, AC to AAG 7

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 15-09-2017

Since all these writ petitions arise out of the same
impugned order contained in Memo No. 770 dated 02.03.2010 and the
same appellate order contained in Memo No. 2876 dated 08.07.2010,



they have been heard together and are being disposed of by this common judgment. By these writ petitions, the petitioners seek directions to the respondents for the following reliefs –

“ (i) To quash the office order, contained in Memo No. 770 dated 02.03.2010, issued under the signature of I.G., Prison, by which the following punishments have been inflicted :-

(a) Four increment is withheld with cumulative effect and

(b) During suspension period, except subsistence allowance, nothing would be paid;

(ii) To quash the office order, contained in Memo No. 2876 dated 08.07.2010, issued under the signature of Home Secretary, Bihar, Patna, by which the appeal filed on behalf of the petitioner has been dismissed.

(iii) Also to direct the respondents to reinstate the service of the petitioners forthwith.

(iv) Also to give all consequential benefits.

(v) Also for any other relief/reliefs for which the petitioners are found entitled in the eye of law.”

2. Learned counsel for the petitioners submits that the impugned orders are illegal and unsustainable in law as the enquiry report has been prepared in a perfunctory manner without examining any witnesses nor any opportunity of hearing has been granted to the petitioners to examine the documents relating to the charges by reason of which the entire proceedings are vitiated.

3. Learned counsel for the petitioners, without entering



into the detailed merits of the matter, invites attention to the judgment dated 10.08.2017 passed in CWJC No. 18300 of 2010 (*Ran Bahadur Sharma Vs. The State of Bihar & Ors*) in the case of similarly situated person in which various infirmities in the departmental proceedings have been noticed and the impugned order dated 02.03.2010 passed by the disciplinary authority as well as the appellate order dated 08.07.2010 passed by the appellate authority have been set aside.

4. Learned counsel for the petitioners makes a statement at the Bar that the name of the petitioner in CWJC No. 18300 of 2010 has been stated as “Ran Bahadur Sharma” who is none other than the person whose name appears as “Rangbahadur” in the order dated 02.03.2010 and as “Rang Bahadur Sharma” in the appellate order dated 08.07.2010. It is stated that the case of these petitioners herein is identical to the case of the said petitioner of CWJC No. 18300 of 2010.

5. Learned counsel for the respondents appears and has been heard. However, he has not been able to controvert the submission of the petitioners that they are similarly situated with the petitioner of CWJC No. 18300 of 2010.

6. Having regard to the stand of the parties, all these writ petitions are disposed of in line with and on the same terms as CWJC No. 18300 of 2010 (*Rang Bahadur Sharma Vs. The State of Bihar & Ors*).



B.T/Chandran

(Vikash Jain, J)

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	20.09.2017
Transmission Date	N.A.

