

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Letters Patent Appeal No.1426 of 2017**

=====

Aparna Tripathi, wife of Gyanendra Kumar Tripathi, At & P.O.- Paharganj,  
District- Amethi (U.P.) D/o Sri Ganga Sharan Mishra, Resident of House No.  
7, Private Lane, Koyal Bagh Colony, Police Station- Hardoi, District- Hardoi  
(U.P.) 241001.

... .. Appellant/s

Versus

1. The State of Bihar through its Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary to the Hon'ble Chief Minister, Government of Bihar, Patna.
3. The Secretary, Government of Bihar, Patna.
4. The Principal Secretary, General Administration Department, Government of Bihar, Patna.
5. The Joint Secretary, General Administration Department, Government of Bihar, Patna.
6. The Deputy Secretary, General Administration Department, Government of Bihar, Patna.
7. The Joint Commissioner, Departmental Inquiry, Saran Division, Chapra-cum-Inquiry Officer, Saran at Chapra.
8. The District Collector, Saran at Chapra.
9. Shweta Mishra, S/o Sri Dinesh Kumar Mishra, resident of House No. G- 105, Sector Govardhan, Kalindi Puram, Allahabad (U.P.) 211011, at present dismissed Senior Deputy Collector, Kaimur, Bhabhua (B.P.S.C.) Serial No. 1312/11, P.S.- Bhabhua, District- Kaimur (Bihar).

... .. Respondent/s

=====

**Appearance :**

For the Appellant/s : Mr. Arbind Kumar Singh, Advocate  
For the Respondent/s :

=====

**CORAM: HONOURABLE THE CHIEF JUSTICE**

**and**

**HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY**

**ORAL JUDGMENT**

**(Per: HONOURABLE THE CHIEF JUSTICE)**

**Date : 08-12-2017**

Seeking exception to an order passed by the  
learned Writ Court on 06.09.2017 in C.W.J.C. No. 5779 of 2016  
this appeal has been filed under Clause 10 of the Letters Patent.

Appellant was a complainant who had filed a  
complaint making serious allegation with regard to contracting



of a second marriage and F.I.R. against her husband. The State caused an inquiry into the matter and thereafter finding various defects in the disciplinary proceedings held and the penalty imposed, the petition has been allowed as the entire proceedings were found to be illegal. Neither the departmental authorities nor the petitioner in the original writ petition have challenged the order. The appellant as a complainant challenges the findings of the departmental proceedings in this appeal.

Respondent Shweta Mishra questioned the departmental action in dismissing her from service on the basis of a departmental inquiry conducted. The foundation for the departmental inquiry which resulted in her dismissal was a complaint filed by the present appellant Smt. Arpana Tripathi to the effect that she has instituted an F.I.R. against her husband and the petitioner with regard to charges of colluding and torturing her. It was the allegation of Arpana Tripathi in the complaint that her husband and the respondent petitioner Shweta Mishra are living in relationship and treating it to be a case of bigamy the departmental proceedings were held.

We find that the appellant being only a complainant has no locus standi to challenge the departmental proceedings. At best the only liberty available to the appellant as a



complainant would be to seek initiation of a criminal complaint or other legal proceedings in accordance with law but in the disciplinary inquiry held once the learned Writ Court found various statutory violation, at the instance of the appellant, who was only a complainant and who had brought the fact about the misconduct to the department, now in this appeal no indulgence can be made.

Accordingly, finding the petitioner appellant to have no locus standi to challenge the order passed by the learned Writ Court interfering with the disciplinary proceedings, we dismiss this appeal.

**(Rajendra Menon, CJ)**

**(Anil Kumar Upadhyay, J)**

P.K.P.

|                   |            |
|-------------------|------------|
| AFR/NAFR          | N.A.F.R.   |
| CAV DATE          | N.A.       |
| Uploading Date    | 12.12.2017 |
| Transmission Date |            |

