

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Civil Writ Jurisdiction Case No.10229 of 2014**

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Ajay Kumar Sinha Son of Late Radha Govind Sharan Resident of 302 ( Third Floor), B.N. Apartment, Near Doctor's Colony- Earth Science Bhawan, P.S-Kankarbag, District- Patna

.... .... **Petitioner**

**Versus**

1. The State of Bihar through the Principal Secretary, Social Welfare Department, Old Secretariat, Patna.
2. The Secretary, Social Welfare Department, Old Secretariat, Patna.
3. The Special Secretary to Government, Social Welfare Department, Old Secretariat, Patna.
4. The Joint Secretary to Government, Social Welfare Department, Old Secretariat, Patna.
5. The Joint Director, I.C.D.S. Directorate, Bihar 2nd Floor, Indira Bhawan, Ramcharitra Singh Path, Patna.
6. The Collector cum District Magistrate, Saran, Chapra.
7. The Deputy Development Commissioner, Saran, Chapra

.... **Respondents**

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**Appearance :**

For the Petitioner : Mr. Sanjay Kumar Ghosarvey, Advocate  
For the Respondents : Mr. P.M. Sharma, AC to AAG 15

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**CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD**  
**ORAL JUDGMENT**  
**Date: 04-01-2018**

Heard counsel for the petitioner as well as the State.

2. Counsel for the petitioner submits that bare perusal of 'Prapatra Ka' dated 3.4.2012 (Annexure 6 series) issued against the petitioner along with charge memo would show that other than some letters issued from the office of the District Magistrate, Saran at Chapra no evidence has been produced in the proceeding before the enquiry officer. He submits that neither any other document was produced nor any person has appeared before the Enquiry officer to support the allegations levelled against the petitioner. He also submits that the respondents did not produce any person or witness to prove the said documents annexed along with the charge memo, and as such he has been denied of his vital opportunity to cross examine.



3. Counsel for the State points out that although review has been filed by the petitioner under the relevant CCA Rules on 2.4.2013 before the Principal Secretary, Social Welfare Department, Bihar, the same does not contain these grounds which have been mentioned in the writ petition. On the basis of averments made in the counter affidavit, he points out that the review application is lacking in material and if the material is found in the said application, then only the same is entertained.
4. In view of the averments made in the counter affidavit, the petitioner is granted liberty to supplement his review application by placing on record the aforesaid materials within four weeks. The Principal Secretary, Social Welfare Department, Bihar would be obliged to consider the supplement review application along with original review on its merit and pass a reasoned and speaking order within a period of eight weeks thereafter.
5. With the aforesaid directions, the writ petition is disposed of.

(Madhuresh Prasad, J)

Shashi.

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