

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.886 of 2018

In

Civil Writ Jurisdiction Case No.14752 of 2017

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Dr. Hari Narayan Singh, son of Late Vishwa Nath Singh, the Secretary of Governing Body, Upshastri Sanskrit College, Pindaruch District- Darbhanga, resident of Professor Colony, Dighi West, Police Station- Darbhanga Town, District- Darbhanga

... ... Appellant/s

Versus

1. Kameshwar Singh Darbhanga Sanskrit University, Kameshwar Nagar, Darbhanga, District- Darbhanga through its Registrar
2. The Vice Chancellor, Kameshwar Singh Darbhanga Sanskrit University, Kameshwar Nagar, Darbhanga, District- Darbhanga
3. The Registrar, Kameshwar Singh Darbhanga Sanskrit University, Kameshwar Nagar, Darbhanga, District- Darbhanga
4. The State of Bihar through the Principal Secretary, Education Department, Government of Bihar, Patna
5. (Dr.) Shyamanand Jha, son of Late Shiv Shankar Jha, Resident of Mohalla- Shubhankarpur Police Station- Town, District- Darbhanga at Present posted as Principal (Under Suspension) Upshastri Sanskrit Mahavidyalaya, Pindaruch District- Darbhanga

... ... Respondent/s

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Appearance :

For the Appellant/s	:	Mrs. Nivedita Nirvikar, Advocate Mr. Manoj Kumar, Advocate
For the State	:	Mr. A.R. Pandey, AAG-15
For the University	:	Mr. Uday Chand Orasadm /advocate Mr. Awadhesh Prasad, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 16-07-2018

Delay of 14 days in filing of this appeal is condoned. I.A. No. 4794 of 2018 stands allowed and disposed of.

The learned Writ Court has allowed the writ petition of the respondent employee primarily on the ground that the entire inquiry stands vitiated on account of the fact that admittedly Subsistence Allowance was not paid to the employee during the pendency of the inquiry and in support of the aforesaid principles of law in this regard laid down by the Supreme Court in the case of **State of Maharashtra Vs. Chandrabhan Tale- AIR 1983 SC 803** and **Capt. M. Paul Anthony Vs. Bharat Gold Mines Ltd. & Anr.- 1999 SC 1416** has been relied upon wherein it has been held by the Supreme Court that non-payment of Subsistence Allowance amounts to violating the rules of natural justice and conduct of a departmental inquiry compelling the delinquent employee to participate in the inquiry without Subsistence Allowance vitiates the entire inquiry.



In our considered view, on the said ground the learned Writ Court having quashed the entire departmental inquiry, no case is made out for any interference. The respondents may comply with the order passed by the learned Writ Court and thereafter proceed to conduct the inquiry, if so advised, in accordance with law.

With the aforesaid liberty to the appellants, the Letters Patent Appeal stands disposed of.

(Rajendra Menon, CJ)

(Rajeev Ranjan Prasad, J)

P.K.P./-

AFR/NAFR	N.A.F.R.
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