

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3220 of 2017

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Ramesh Kumar, Son of Sri Awadhesh Yadav, resident of village-Bandaul,
Police Station- Guraru in the district of Gaya

... .. 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), Department of Home, Government of Bihar,
Patna
4. The Joint Secretary - Cum-Director (Admn.) (Jail), Home Department,
Government of Bihar, Patna
5. The District Magistrate - Cum - Collector, Nalanda
6. The District Development Commissioner, Nalanda
7. The Jail Superintendent, District Jail, Hajipur, Vaishali

... .. Respondents

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar, Advocate
For the Respondent/s : Mr. Ravi Verma, A.C. to GP-4

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

3 23-08-2018 Heard learned counsel for the petitioner and

learned counsel for the State.

Learned counsel for the petitioner submits that the
facts of this case is by and large identical to the case of Ram
Lakhan Yadav, who has also approached this Court in C.W.J.C.
No. 3230 of 2017 and the said petition has been allowed by this
Court vide order dated 12.07.2018.

On earlier occasion, the case was adjourned on the



prayer of learned counsel for the State to verify the factual status of this case vis-a-vis the case of Ram Lakhan Yadav.

Today, learned counsel for the State submits that the case of the present petitioner is by and large identical to the case of Ram Lakhan Yadav, even it could be said that the case of present petitioner is better than the case of Ram Lakhan Yadav. In that case, this Court has quashed the order of punishment.

In such view of the matter, the order of punishment containing memo no.6747 dated 04.11.2016 and the order of the Appellate Authority containing memo no.261 dated 18.01.2017 are set aside. As these persons were the small fry, posted as Warder, the Administration should fix the responsibility on the person who is really behind the scene and take appropriate action against them in accordance with law.

With the aforesaid observations and directions, this writ petition is allowed.

(Shivaji Pandey, J)

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