

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.1252 of 2017

In
Civil Writ Jurisdiction Case No.20478 of 2016

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1. The State of Bihar.
 2. The Principal Secretary (Home) Government of Bihar.
 3. The Inspector General (Prison), Government of Bihar.

... .. Appellant/s

Versus

Sanjay Kumar, Son of Sri Braj Kishore Shrivastava, Resident of Mohalla-Adarsh Mohalla, P.S.- Triveniganj District- Supaul, Presently posted as Deputy Superintendent (Prison), Jehanabad.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Bishwa Bibhuti Kumar Singh, A.C. to A.G.
For the Respondent/s :

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE JUSTICE SMT. ANJANA MISHRA

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 28-11-2018

Re: I.A. No. 6623 of 2017

Heard Shri Bishwa Bibhuti Kumar Singh, learned counsel for the State-appellant.

2. The appeal is reported to be delayed by 134 days.

3. We have considered the affidavit filed in support of the delay condonation application. The delay is condoned and the appeal shall be treated to be within time.

4. I.A. No. 6623 of 2017 stands allowed accordingly.

Re: L.P.A. No. 1252 of 2017

The appeal questions the correctness of the impugned



judgment dated 27th March, 2017, whereby the learned Single Judge has allowed the writ petition filed by the respondent-petitioner clearly holding that out of the four charges against the delinquent two were not proved and the two other charges that were held to have been partially proved by Disciplinary Authority were lacking in evidence. Consequently, the learned Single Judge found that the material on record could not substantiate the charges that were found to be partially proved.

2. We have gone through the entire judgment which has discussed the facts in detail and we are satisfied that no ground is made out for interfering with the same. The appeal lacks merit, is accordingly dismissed. The judgment of the learned Single Judge is upheld.

(Amreshwar Pratap Sahi, CJ)

(Anjana Mishra, J)

P.K.P./-R.S.Sen

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