

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.843 of 2017

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Birendra Narayan Kunwar, son of Late Shivnandan Kunwar, resident of
Mohalla - Chankyapuri, Road No. 2, Bairiya Chowk, Police Station - Ahiapur,
District – Muzaffarpur ... Petitioner

Versus

1. The State of Bihar.
 2. The Secretary, Rural Works Department, Government of Bihar, Patna.
 3. The Engineer-in-Chief, Rural Works Department, Government of Bihar,
Patna.
 4. Shri Kant Prasad, son of not known to the petitioner, the then Executive
Engineer, Regional Laboratory, Rural Works Department, Darbhanga.
 5. The Executive Engineer, Regional Laboratory, Rural Works Department,
Darbhanga ... Respondents
- =====

Appearance :

For the Petitioner : Mrs. Mahasweta Chatterjee, Adv.
For the Respondents : Mr. Vijay Bharti, AC to SC VII

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

3 19-06-2018 Heard learned counsel for the petitioner and the

State.

The petitioner is challenging the order vide Memo
No. 797, dated 29.02.2016, by which the petitioner has been
terminated from service on the ground that that he has been
convicted and sentenced for five years in R.C. Case No. 6(A) of
1997 under Sections 120B, 407, 477A, 468, 471, 465 and 420 of
the Indian Penal Code and 13(2) of the Prevention of Corruption
Act, 1988.

The Court below has found the charges proved,
convicted and sentenced the petitioner for five years.

On that account a show cause was issued to the
petitioner under Article 311(2) of the Constitution of India read



with Rule 20(i) of the Bihar Government Servants (Classification, Control & Appeal) Rules, 2005, (here-in-after mentioned as “the Disciplinary Rules”) terminated the service of the petitioner. This Court does not find any error in this order as Article 311(2) of the Constitution of India read with Rule 20(i) of the Disciplinary Rules, itself, prescribes that in the event of punishment by criminal Court, the employee can be dismissed from service.

It has been submitted by the counsel for the petitioner that appeal against the order passed by the Court below is pending vide Criminal Appeal (SJ) No. 366 of 2013 before this Hon’ble Court.

At this juncture, this Court is not interfering with the order, but, if the petitioner succeeds in the Criminal Appeal, he will be at liberty to re-agitate his case for reinstatement.

With these observations and directions, this application is **disposed off**.

(Shivaji Pandey, J)

Shamshad/-

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