

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.3201 of 2014

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Shailendra Nath Prasad Son Of Late Ayodhya Prasad Resident Of 136, Anandpuri,
P.S. S.K. Puri, District - Patna

.... Petitioner/s

Versus

1. The High Court Of Judicature At Patna Through Register General, Patna High Court, Patna
2. District And Sessions Judge, Patna
3. The Registrar Administration, Patna High Court, Patna
4. The Registrar, Civil Court, Patna

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Gajendra Kumar Jha, Advocate
Mr. Bam Bahadur Jha, Advocate
For the Respondent/s : Mr. Bindhyachal Singh, Advocate
Ms. Smriti Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date: 16-08-2018

Heard learned counsel for the petitioner and learned counsel appearing for the High Court.

2. Under order dated 18.01.2017 this Court had made a specific query whether the charge against the petitioner of interpolating the records to benefit the accused would be sustainable or is only a suspicion cast, due to overwriting in the order sheet dated 05.06.2009/16.07.2009. A supplementary counter affidavit has been filed in response to the said query by the respondents no. 1 and 3 their specific response is made in Para 6 of the counter affidavit which is as follows:

“It cannot be ascertained as per record available whether the charge against the petitioner of interpolating the record was to benefit the accused or not as the said question was never raised before the disciplinary authority or the inquiry officer and therefore no specific



finding has been recoded in this regard. But the fact remains that the charge against the petitioner was of interpolating the records and the same has been found to be proved by the inquiry officer after examining all the relevant documents on record.”

3. In view of such stand taken by the respondents in the counter affidavit it is clear that the charges of “interpolation” has been levelled against the petitioner without even ascertaining the fact whether overwriting/correction in the next date fixed under order dated 05.06.2009/16.07.2009 was for any extraneous consideration or to benefit anyone. In the said circumstances, whether such overwriting/correction *per se* would amount to interpolation and constitute a charge is an issue which remains for consideration.

4. This Court would therefore observe that ends of justice would be served if the issue is re-examined at the appellate stage.

5. In view of the stand taken note of herein above, the matter is remanded to the appellate stage. The Appellate Authority may consider this aspect of the matter and disposed of the petitioner’s claim. The petitioner would be at liberty to raise his claim on the basis of stand of the respondents within a period of two weeks from today.

6. Writ petition is disposed off.

(Madhuresh Prasad, J)

Prakash/-

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CAV DATE	
Uploading Date	
Transmission Date	

