

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Letters Patent Appeal No.1561 of 2017**

**IN**

**Civil Writ Jurisdiction Case No. 1044 of 2015**

- =====
1. The State of Bihar through the Principal Secretary, Road Construction Department, Bihar, Patna.
  2. The Principal Secretary, Road Construction Department, Visheshwaria Bhawan, Bailey Road, Patna ( Bihar ).
  3. The Chief Engineer - Cum - Enquiry Officer, South Bihar, Road Construction Department, Visheshwaria Bhawan, Bailey Road, Patna ( Bihar ).
  4. The Chief Engineer ( Mechanical ) Mechanical Wing, Road Construction Department, Visheshwaria Bhawan, Bailey Road, Patna ( Bihar ).
  5. Superintending Engineer ( Mechanical ), N.H. Mechanical Circle, Visheshwaria Bhawan, Bailey Road, Patna ( Bihar ).
  6. Deputy Secretary ( Vigilance ), Road Construction Department, Visheshwaria Bhawan, Bailey Road, Patna ( Bihar ).

.... .... Appellant/s

Versus

Ajay Kumar Singh, Son of Sri Vijay Pratap Singh, Resident of village & P.O. Chilh, District - Mirzapur ( U.P. ) Pin Code 23131, At Present Residing at Flat No. 301, Dev Sharan Griham Apartment, Vijay Nagar, Bailey Road, Patna 80001 ( Bihar ).

.... .... Respondent/s

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**Appearance :**

For the Appellant/s : Mr. Vinay Kumar Mishra, AC to AAG-15  
For the Respondent/s : Mr. Raju Giri, Adv.  
Mr. Santosh Kumar Mishra, Adv.

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**CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI**

**and**

**HONOURABLE JUSTICE SMT. NILU AGRAWAL**

**ORAL JUDGMENT**

**(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)**

**Date: 14-05-2018**

Heard counsel for the State and counsel for the private



respondent.

The learned Single Judge has rightly allowed the writ application of the private respondent because on perusal of the enquiry report he found that no evidence worth the name has been brought against the private respondent with regard to the several charges which was drawn up against him for which enquiry was held.

Even we have gone through the enquiry report and found that except for narration of charges, we do not find any discussion as to what kind of evidence, oral or documentary, was brought before the Enquiry Officer to bring home the charges. Mere repetitive narration of the charges does not amount to finding of guilt.

Writ has, therefore, been rightly allowed and the order of punishment quashed.

Appeal has no merit. It is dismissed.

**(Ajay Kumar Tripathi, J)**

**(Nilu Agrawal, J)**

Rajesh/Devendra

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