

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.1668 of 2017

In
Civil Writ Jurisdiction Case No.1002 of 2017

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Om Prakash Manjhi, son of Late Lakshmi Manjhi, Resident of M.I.G. - 208, Hanuman Nagar, P.S. Patrakar Nagar, District - Patna, presently posted as Superintending Engineer, Rural Works Department, Work Circle, Siwan (under suspension).

... .. Appellant/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Rural Works Department, Government of Bihar, Patna.
3. The Deputy Secretary, Rural Works Department, Government of Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Y. V. Giri Sr. Advocate Mr. Pravan Kumar Advocate Mr. Ashish Giri Advocate
For the Respondent/s	:	Mr. Pushkar Narayan Shahi AAG- 6 Mr. Mritunjay Kumar AC to A.A.G. -6

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI
and
HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

5 19-06-2018 Heard learned senior counsel for the appellant and learned Additional Advocate General No. 6 for the State.

Whatever questions of law, which has been raised with regard to the enquiry, the manner in which the enquiry has been conducted and the finding of fact given therein, can all be a subject matter of challenge, provided the disciplinary authority finds the appellant guilty in any manner on the basis of the



enquiry report, furnished by the Additional Departmental Enquiries Commissioner, Bihar.

Taking the factual position into consideration prejudice will be caused if the disciplinary authority is not permitted to proceed with the departmental proceeding by interfering with the inquiry report. It will be open to the appellant, to assail the entirety of the proceeding based on final order with regard to a kind of punishment, if at all it is required to visit the delinquent.

The dismissal of the LPA will not create prejudice or come in the way of the larger challenge being thrown by him to the proceeding.

Appeal stands dismissed with observation / direction as above.

(Ajay Kumar Tripathi, J)

(Nilu Agrawal, J)

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