

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1681 of 2017

In

Civil Writ Jurisdiction Case No. 18674 of 2014

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Sanjay Kumar, son of late Phuldeo Prasad, resident of village Maldah, P.S.
Barbigha, district Sheikhpura

.... Appellant

Versus

1. The State of Bihar
2. Chef Secretary, Government of Bihar, Patna
3. The Secretary, Registration, Excise and Prohibition Department,
Government of Bihar, Patna
4. The Deputy Secretary, Registration, Excise and Prohibition Department,
Government of Bihar, Patna
5. The Additional Secreary, Registration, Excise and Prohibition
Department, Government of Bihar, Patna
6. The Assistant Inspector General of Registration, Excise and Prohibition
Department, Government of Bihar, Patna
7. The Secretary, Bihar Public Service Commission, Patna
8. The Departmental Inquiry Commissioner, Department of General
Administration, Government of Bihar, Patna
9. The Presenting Officer-cum-Deputy Commissioner, Excise, Patna
Division, Government of Bihar, Patna

.... Respondents

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Appearance :

For the Appellant : Mr. Indu Bhushan, Adv.

For the Respondents : Mr.

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE ANIL KUMAR

UPADHYAY

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

2 08-01-2018

I.A. No. 9363 of 2017

Having heard learned counsel for the parties, the delay in filing the appeal is condoned and the interlocutory application is allowed.

L.P.A. No. 1681 of 2017

In the matter of dismissal of the petitioner challenge made has been partly allowed by the learned writ Court and the learned writ Court has remitted the matter back to the disciplinary authority to proceed afresh from the stage of asking second show



cause notice and pass order in accordance with law.

Learned writ Court having examined the issue with regard to amassing property worth Rs. 75,53,981/- which is disproportionate to know source of income to the appellant and finding that the disciplinary authority did not give any reason while differing with the enquiry report remanded the matter to the disciplinary authority.

In doing so we find no error committed by the learned writ Court and we are not inclined to interfere in the matter.

The appeal stands dismissed.

(Rajendra Menon, CJ)

(Anil Kumar Upadhyay, J)

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