

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1553 of 2019

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Ram Pravesh Chauhan S/O Jagdish Prasad Chauhan Resident of Lane-3B
Bank Colony Gola Road, P.S- Danapur District Patna At present in the office
of District Sub Registrar , Patna

... .. Petitioner/s

Versus

1. The State of Bihar Through its Principal Secretary,Registration, Excise and Prohibition Department,Govt. of Bihar
2. The Special secretary,Registration,Excise and Prohibition Department Govt. Of Bihar,Patna
3. The Commissioner,Departmental enquiry,General Administrative Department Government of Bihar,Patna
4. The Enquiry Commissioner(Trap Case) Bihar Patna
5. The Additional Departmental Enquiry Commissioner,Bihar Patna
6. The Deputy secretary(presenting Officer),Registration excise and Prohibition Department, Government Of Bihar, Patna

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Kundan Kumar
For the Respondent/s : Mr.Lalit Kishore (Ag)

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL JUDGMENT

Date : 29-01-2019

Heard the learned counsel for the petitioner and
the State.

2. The petitioner has prayed for setting aside of
the enquiry report dated 05.11.2018 submitted by the
Enquiry Commissioner (Trap Case), Bihar, Patna in Enquiry
No. 01 of 2016 whereby the petitioner has been held
guilty of the charges.

3. Mr. P.K. Shahi, learned senior advocate
appearing for the petitioner has submitted that during the
enquiry certain relevant documents were demanded by the
petitioner but the same were not supplied to him. The



petitioner had also demanded the photocopy of the original testimony of the complainant but only typed copy of the testimony of the complainant was furnished to him.

4. It has further been argued that the enquiry against the petitioner was not being conducted by a competent enquiry officer and only on the intervention of this Court a fresh/de novo enquiry was conducted by the Enquiry Commissioner. In the present enquiry, the opinion of the presenting officer in the earlier enquiry proceeding, was relied upon and made the basis of indicting the petitioner.

5. This Court is of the view that at this stage, when show cause notice has been served upon the petitioner to explain as to why the enquiry report be not accepted, this Court ought not to interdict and stop the disciplinary proceeding midway. In case the petitioner has any objection to the finding of the enquiry officer, the same could be agitated in his show cause reply before the disciplinary authority.

6. Taking note of the demand of the petitioner of certain documents including the photocopy of the original testimony of the complainant about which a request has been made before the disciplinary authority as well for the purposes of properly giving his reply and which request has fallen on deaf ears, this Court only directs the disciplinary



authority to make available such documents to the petitioner as far as it is feasible and practicable.

7. With the aforesaid observation/direction, the writ petition is disposed off.

(Ashutosh Kumar, J)

krishna/-

AFR/NAFR	NAFR
CAV DATE	NA
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