

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12981 of 2016

Arbind Prasad Verma, Son of Late Banke Sahu, Resident of Village- and P.O.-
Kaindi, P.S.- Halsi, District- Lakhisarai.

... .. Petitioner

Versus

1. The State of Bihar
2. The Minister, Schedule cast and Schedule Tribe Welfare Department, Govt. of Bihar, Patna.
3. The Principal Secretary, Govt. of Bihar, Schedule Cast and Schedule Tribe, Welfare Department.
4. The Director, Schedule Cast and Schedule Tribe Welfare Department, Govt. of Bihar
5. The Deputy Director, welfare Purnia Pramandal, Purnia
6. The District Magistrate, Kishanganj
7. The District Welfare Officer, Kishanganj
8. The District Welfare Officer, Banka cum Senior deputy Collector , bank

... .. Respondents

Appearance :

For the Petitioner/s : Mr. Saurabh Kumar, Advocate
For the Respondent/s : Mr.Durgesh Nandan- AAG-14

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL JUDGMENT

Date : 08-08-2019

Heard learned counsel for the petitioner and
learned counsel for the State.

2. In this case, the petitioner has been dismissed from the service on the ground of misconduct of taking bribe of Rs.2100/-, he was caught by the Vigilance and thereafter he was put behind the bar. At the same time, he was put under suspension but, the same was withdrawn and the department has decided to initiate a departmental proceeding, on that account, charge-sheet was served upon the petitioner. The petitioner filed



reply to the charge-sheet, wherein he has taken plea that some strangers have put Rs.2100/- in his pocket and was caught from both the sides and taken to the Gypsy, accordingly a criminal case was instituted.

3. From a perusal of the inquiry report, it appears that the Enquiry Officer has recorded the finding ex parte that he has conducted the inquiry without giving proper opportunity as he was busy with the election. It also appears that the delinquent as well as the Presenting Officer both remained absent and he has abruptly recorded that the petitioner had taken bribe and also recorded that the petitioner did not appear before the Inquiry Officer nor any person has come forward to substantively refute the allegation. On the basis of the aforesaid inquiry report, the District Welfare Officer, Kishanganj -cum- Senior Additional Collector, Banka, recommended for dismissal of the petitioner, but in fact the order of punishment has been passed by the Principal Secretary, Scheduled Caste and Scheduled Tribes Welfare Department, vide order dated 03.02.2014, which has been affirmed by the Appellate Authority i.e. Hon'ble Minister concerned, which was communicated vide memo no. 3369 dated 04.04.2016.

4. As from the final opinion of the Enquiry Officer it



appears that the inquiry has been conducted behind the back of the petitioner without giving opportunity to place his case, in such a situation, the impugned orders do not qualify the test of fairness.

5. Accordingly, the order dated 03.02.2014 passed by the Principal Secretary, Scheduled Caste and Scheduled Tribes Welfare Department, Government of Bihar, Patna, as well as the order of the Appellate Authority i.e. Hon'ble Minister concerned, which was communicated through the Director, Scheduled Caste and Scheduled Tribes Welfare Department, Government of Bihar, Patna, vide order contained in memo no.3369 dated 04.04.2016, are hereby quashed. The matter is remanded back to the respondents to hold fresh inquiry after the stage of charge-sheet, but any payment will be subject to result of the departmental proceeding.

6. With the aforesaid observations and directions, this writ petition is allowed to the above extent.

(Shivaji Pandey, J)

pawan/-

AFR/NAFR	N.A.F.R.
CAV DATE	N/A.
Uploading Date	13.08.2019
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