

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No 21715 of 2014

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Shailendra Kumar, Son of Sri Yogendra Jha, resident of Mohalla-Laxmi Sagar, P.O. Laxmi Sagar, P.S.Darbhangha Sadar, District-Darbhangha.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary, Co-operative Department, Govt. of Bihar, New Secretariat, Patna.
3. The Duputy Secretary, Co-operative Department, Government of Bihar, New Secretariat, Patna.
4. The Joint Secretary, (Vigilance Section), Co-operative Department, Govt. of Bihar, New Secretariat, Patna
5. The Joint Secretary -Cum- Inquiry Officer, Co-operative Department, Govt. of Bihar, New Secretariat, Patna

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr Purushottam Kr Jha, Advocate
For the Respondent/s : Mr Anil Kr Verma, AC to AAG IX

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

3 08-03-2019 Mr Purushottam Kumar Jha appearing for the petitioner submits that though the petitioner has not appeared before the authorities in the enquiry, Rule 17 (11) of the Bihar Government Servants (Classification, Control & Appeal) Rules, 2005 (for brevity, Bihar CCA Rules) mandates the Enquiry Officer to call upon the Presenting Officer even in absence of the delinquent to establish the charges. It is further submitted that if the records of the proceedings are called, they would reveal that the petitioner has appeared in the proceedings.

The issues raised are mixed questions of disputed



facts as well as law.

It is, therefore, submitted that the petitioner would be pointing out these facts in his Memorial to be filed under the provisions of Rule 24 (2) of Bihar CCA Rules.

It is made clear that if such a Memorial is presented by the petitioner within four weeks from today placing all the documents in support of his stand, the respondent-authorities would be obliged to consider the same with reference to the records of enquiry and to dispose it of in accordance with law by a reasoned and speaking order and without any undue delay.

Writ petition stands disposed of.

(Madhuresh Prasad, J)

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