

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.322 of 2019

In
Civil Writ Jurisdiction Case No.14573 of 2016

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1. The State Of Bihar through the Principal Secretary, Department of Home (Police), Patna
 2. The Principal Secretary Department of Home (Police), Patna
 3. The Inspector General (Prison and Correctional Services) Bihar, Patna
 4. The Superintendent, Mandal Kara, Ara
 5. The Joint Secretary cum Director Administration (Prison and Correctional Services), Bihar, Patna

... .. Appellant/s

Versus

Anil Kumar S/o Sri Bindeshwari Prasad Vill.- Jhagribigha, P.s.- Sirdalla, Distt.- Nawada

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Saroj Kumar Sharma (Ac To Aag3)
For the Respondent/s : Mr.Krishna Chandra

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 14-11-2019

I.A. No.2 of 2019

For the reasons so assigned in the condonation application, the delay of 194 days stands fully explained. Each day's delay is said to have been justified and sufficient.

The delay condonation application is, accordingly, allowed.

L.P.A. No.322 of 2019

The learned single Judge has proceeded to set aside the disciplinary proceedings on the ground that such proceedings



were conducted *de hors* the provisions of the Bihar Government Service (Classification, Control and Appeal) Rules, 2005.

Before us, it could not be pointed out that such findings are not based on the materials placed on record. As such, we do not find any reason to interfere with the impugned judgement and order dated 16.7.2018, passed in C.W.J.C. No.14573 of 2016 in the case of Anil Kumar Vs. The State of Bihar & Ors., save and except giving liberty to the appellant to initiate fresh enquiry, if so required and desired, in accordance with law against the writ petitioner.

Needless to add, considering the status of the writ petitioner, in the event of such proceedings having been initiated, the same shall be taken to its logical end expeditiously and preferably within a period of 9 months.

With the aforesaid observations, this appeal stands disposed of.

(Sanjay Karol, CJ)

(Dinesh Kumar Singh, J)

DKS/-

AFR/NAFR	NAFR
CAV DATE	N/A
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