

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11314 of 2014

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Santosh Kumar son of Shri Heera Choudhary Resident of Mohalla -
Alamganj, P.S. Laheri, P.O. Biharsharif, District - Nalanda

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Principal Secretary, Department of Education, Government of Bihar,
Patna
3. The Regional Deputy Director, Patna Division, Patna
4. The District Education Officer, Rohtas

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Dr. Uma Shankar Prasad, Sr. Advocate
		Mr. Kamala Kant Tiwary
For the Respondent/s	:	Mr. Harish Kumar, GP 8

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

8 17-09-2019 Learned Senior Counsel appearing for the petitioner submits that the order of punishment impugned in the instant writ petition dated 15.2.2014 has been inflicted upon the petitioner on charges which arise out of petitioner's arrest in Vigilance Case No. 71 of 2006. It is submitted that the petitioner has been acquitted in the vigilance case as per judgment in Cr. Appeal (SJ) No. 656 of 2015. Acquittal of the petitioner is dated 18.7.2018, i.e. much after passing of the order of punishment.

Learned Senior Counsel submits that on account of acquittal in the criminal trial on the same charges based on the same evidence, the petitioner would be entitled to benefits in the departmental proceedings. His submission is based on



decision of the Apex Court in the case of ***Capt. M. Paul Anthony Vs. Bharat Gold Mines Ltd. & anr.*** reported in ***(1999) 3 SCC 679*** as well as subsequent decision in the case of ***G. M. Tank vs. State of Gujrat & ors.*** reported in ***(2006) 5 SCC 446***.

In view of the aforesaid submission, the petitioner would be at liberty to raise the issue for grant of benefits on account of acquittal in the criminal trial at the appellate stage before the appellate authority against the order of punishment. In case the petitioner prefers his appeal claiming benefits of his acquittal within four weeks, the appellate authority would be obliged to consider the same and dispose it of by a reasoned and speaking order in accordance with law within a period of three months thereafter.

The writ petition stands disposed of.

(Madhuresh Prasad, J)

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