

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15073 of 2019

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Sheoji Singh S/o Ram Vyas Singh Mohalla- Pandey Patti, P.s.- Buxar,
Mufassil in the district of Buxar

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Home Department (Jails), Govt. of Bihar, Patna-15
2. The Inspector General of Prisons and Correctional Services Bihar, Patna-15
3. The Superintendent Adarsh Central Jail, Beur, patna

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Braj Nandan Kumar Tiwary, Advocate
For the Respondent/s : Mr. Sheo Shankar Prasad (SC 8)

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL JUDGMENT

Date : 02-08-2019

Heard the learned counsel for the parties.

2. The petitioner has challenged the order dated 08.08.2017 contained in Memo No. 4328 passed by the Inspector General of Prisons and Correctional Services Bihar, Patna whereby the petitioner has been subjected to stoppage of three annual increments with cumulative effect and has further been directed to be given only the subsistence allowance during the period of suspension and nothing more but the period spent during suspension is to be treated for counting period for pensionary benefits.



3. The petitioner has also challenged the order passed in appeal by the Principal Secretary, Home Department (Jails), Government of Bihar, Patna dated 26.06.2018 whereby the order passed by the disciplinary authority has been affirmed and upheld.

4. The petitioner was subjected to a departmental proceeding for the death of one of the undertrial prisoners *viz.* Rajmani Yadav who was assaulted by one Jageshwar Manjhi, a convicted prisoner. The occurrence had taken place on 23.01.2016 when the petitioner was on duty in jail at Saraswati Block from 06:00 P.M. to 09:00 P.M. as a Warder.

5. The evidence revealed that a convict/Jageshwar Manjhi had brought a piece of brick concealed under the blanket which he had wrapped around his body. The allegation against the petitioner is that had he checked all prisoners at the time of their entering the ward, perhaps the convict/Jageshwar Manjhi could not



have brought a brick inside the ward with which he attacked the deceased/under trial prisoner.

6. During the course of disciplinary proceeding, not only Jageshwar Manjhi, the person who had attacked Rajmani Yadav (deceased) but another inmate of jail also deposed that at the time of their entry in the ward at about 6 O' Clock in the evening, no checking was done by anyone of the policemen/warder on duty.

7. The defence of the petitioner before the enquiry officer/disciplinary authority as also the appellate authority was that the job of checking every inmate of jail could have been carried out only if there were 50 warders and 4 superior officers placed in the jail. The petitioner as a single warder could not have possibly checked every jail inmate before entering the jail block. Had he attempted to do so, the process would have taken several hours and the jail gate would have been closed only in the midnight.

8. The aforesaid explanation has not been accepted by the authorities on the ground that not even a



single jail inmate was subjected to any scrutiny before entering the jail ward. Because of one of the jail inmates viz. Jageshwar Manjhi becoming successful in taking a brick inside the jail, death took place for which the responsibility in some measure could have been thrust upon the petitioner only.

9. Considering the herculean task of checking every jail inmate before their entering their respective blocks, the petitioner has only been subjected to a punishment of stoppage of three increments with cumulative effect and nothing more than subsistence allowance being payable to him for the period of suspension.

10. The conclusion of guilt arrived at by the authorities and the sentence imposed upon the petitioner do not appear to be unreasonable or not based on the evidence on record.

11. The procedural formalities for a domestic proceeding also appear to have been complied with in true



letter and spirit. Though the disciplinary authority as well as the appellate authority have not at all adverted to the garagantuan task of a warder to check all the inmates, no interference is required to be made with the order of the disciplinary authority as also the appellate authority.

12. For the reasons aforesaid, the petition is dismissed. However there would be no order as to costs.

(Ashutosh Kumar, J)

krishna/-

AFR/NAFR	NAFR
CAV DATE	NA
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