

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16685 of 2019

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Rakesh Kumar Jha Son of Shri Shiv Kumar Jha, Resident of Vishwanath Kunj, Ambika Vihar Colony (North Part), Police Station- Rupaspur, District- Patna- 800 014

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, General Administration Department, Government of Bihar, Patna.
2. The Principal Secretary, General Administration Department, Government of Bihar, Patna.
3. The Additional Secretary, General Administration Department, Government of Bihar, Patna.
4. The Managing Director, Bihar State Food and Civil Supplies Corporation, Patna.
5. The Deputy General Manager, Bihar State Food and Civil Supplies Corporation, Bihar, Patna.
6. The Chief General Manager(Finance), Bihar State Food and Civil Supplies Corporation, Bihar, Patna.
7. The Chief General Manager(Procurement), Bihar State Food and Civil Supplies Corporation, Bihar, Patna.
8. The District Magistrate, Bhojpur at Ara, Bihar.
9. The Additional District Magistrate, Bhojpur at Ara, Bihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar, Advocate
For the Respondent/s	:	Mr. Md. N.H. Khan (SC 1)
For the Corporation	:	Mr. Shailendra Kumar Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL JUDGMENT

Date : 28-08-2019

Heard Mr. Ajay Kumar, learned advocate for the petitioner and Mr. Nasrul Hoda Khan, learned SC 1.

2. The petitioner has challenged the letter/communication dated 06.12.2018 issued under the signature Additional Secretary, General Administration



Department whereby the memo of charge has been supplied to the petitioner and he has been directed to submit his reply to the show cause notice within fifteen days and on failure to do so, proceeding would be initiated against him under the *Bihar Government Servant (Classification, Control & Appeal) Rules, 2005*.

3. Learned counsel for the petitioner has submitted that the aforesaid show cause notice is with respect to the tenure when the petitioner was incharge of the BSFC. The further ground of challenge is that the aforesaid departmental proceeding has been initiated on the orders of Hon'ble the Lokayukta for identifying the person who was responsible for late deposit of rental of the godowns. It has been submitted that despite the petitioner having offered his explanation before the Hon'ble Lokayukta, the same was never adverted to and a general order was passed by the Hon'ble Lokayukta for identifying such persons who could be held responsible for such late payment of the rental to the godowns.



4. However, the petitioner would be required to furnish his show cause reply within time. If the departmental proceeding is not conducted in accordance with the *Bihar Government Servant (Classification, Control & Appeal) Rules, 2005*, the petitioner would be at liberty to approach this Court again. This Court otherwise would not interdict a departmental proceeding unnecessarily.

5. With the aforesaid direction/observation, the writ petition stands disposed of.

(Ashutosh Kumar, J)

krishna/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	04.09.2019
Transmission Date	

