

IN THE HIGH COURT OF JUDICATURE AT PATNA
C.W.J.C. No. 6461 of 2020

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Vikash Shiromani, son of Late KJ. Narendranath Vaidya, R/o 104, Kailash Palace, Jagriti Nagar, Near Ashiana Nursing Home, Magistrate Colony, Phulwari, Patna-800 025. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Department of Health, Government of Bihar, Patna.
 2. The Principal Secretary, Department of Health, Government of Bihar, Patna.
 3. The Joint Secretary, Department of Health, Government of Bihar, Patna.
- Respondents

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Appearance :

For the Petitioner : Mr. Rajeev Kumar Singh, Advocate
 For the Respondent State: Mr. Manish Kumar, G.P.-4

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

4. 10-09-2020 Upon conclusion of a departmental enquiry, the petitioner has been put to second show cause notice after supplying him copy of the enquiry report. The show cause notice was issued on 27.03.2020 and 13.04.2020. The petitioner has put to challenge the said show cause notices on the ground that the findings, recorded by the enquiring authority in the enquiry report, are not germane and not based on any independent witnesses/evidence.

As the Court did not find it appropriate stage to interfere with the impugned action in the present proceeding under Article 226 of the Constitution of India, Mr. Rajeev Kumar Singh, learned counsel appearing on behalf of the



petitioner, seeks permission to withdraw this application with a liberty to raise all such plea, which have been taken in the present writ application, before the disciplinary authority. He has pointed out that the report of the enquiring authority, which has been communicated to him, is not a complete document. He has submitted that the petitioner was, thus, not given an effective opportunity to deal with the enquiry report.

It will be open for the petitioner to raise all such plea including the plea that complete copy of the enquiry report was not communicated to him, before appropriate forum in accordance with law.

This application stands disposed of as withdrawn with the liberty as sought for.

(Chakradhari Sharan Singh, J)

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