

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.24488 of 2019

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Smt. Puja Bharti alias Puja Bharti W/o Sri Akhilesh Kumar and D/o Late Prabhu Mehra Resident of Mohalla- Adarsh Colony, Panch Mandir Road, P.O.- Keshri Nagar, P.S.- Shastrinagar, Town and District- Patna. At present posted as Sub Registrar, Sub Registry Office- Darauli, District- Siwan.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Department of Prohibition, Excise and Registration, Govt. of Bihar, Patna.
2. The Additional Chief Secretary, Department of Prohibition, Excise and Registration, Govt. of Bihar, Patna.
3. The Excise Commissioner-cum-Inspector General of Registration, Department of Prohibition, Excise and Registration, Govt. of Bihar, Patna.
4. The Joint Secretary, Department of Prohibition, Excise and Registration, Govt. of Bihar, Patna.
5. The Deputy Inspector General of Registration, Department of Prohibition, Excise and Registration, Govt. of Bihar, Patna.
6. The Assistant Inspector General of Registration (Computerization/BISCORE), Department of Prohibition, Excise and Registration, Govt. of Bihar, Patna.
7. The Assistant Inspector General of Registration, Patna Division, Department of Prohibition, Excise and Registration, Govt. of Bihar, Patna.
8. The Assistant Inspector General of Registration, Derbhanga Division, Department of Prohibition, Excise and Registration, Govt. of Bihar, Patna.
9. The District Registrar-cum-Collector, Araria.
10. The District Sub-Registrar, District- Araria.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Madhu Prasun
For the Respondent/s : Mr.Manish Dhari Singh, AC to AG

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 17-01-2020 Heard learned counsel for the parties.

2. The petitioner was working as Sub-Registrar, Forbesganj in the District of Araria. On certain allegation to the effect that she had ignored statutory provisions, rules and



guidelines issued by the State Government, leading to loss of revenue, a disciplinary proceeding has been initiated against her with the framing of charge. The petitioner has submitted her written statement of defence in response to the charges framed in June, 2019. No decision has, however, been taken in the departmental proceeding. The petitioner was placed under suspension, in view of the initiation of the departmental proceeding. However, the suspension order has been revoked. The petitioner is challenging the very initiation of the departmental proceeding on the plea that the same has been initiated with the sole allegation that the petitioner has not been able to achieve the target fixed for generation of revenue.

3. Learned counsel for the petitioner has submitted that failure to achieve the target itself cannot be a misconduct, warranting initiation of departmental proceeding. He, accordingly, contends that this Court should interfere with the initiation of the departmental proceeding itself. It is further plea that the petitioner, who is a lady has been posted in Sub-Registry office, Darauli in the District of Siwan, which is a remote place and since she has a minor daughter lived with her, her posting at the said place is causing her lot of inconvenience.

4. In my opinion, to the extent the very initiation of



departmental proceeding has been challenged in the writ application, there is no merit for the reason that at this stage, it cannot be said that the allegations made in the charge-sheet do not make out any misconduct at all. The petitioner has submitted her written statement of defence. She can have a grievance only after any decision is taken adverse to her interest in the departmental proceeding. This application at this stage is, in my opinion, premature.

5. So far as the posting of the petitioner at Darauli in the District of Siwan is concerned, there is nothing to show that her posting is violative of any statutory provisions or mandatory guidelines of the State Government. She will be at liberty to approach the competent authority by filing a representation against her posting at Darauli, which may be considered by the competent authority and be disposed of preferably within one month from the date of receipt/production of a copy of this order.

7. This application stands disposed of.

(Chakradhari Sharan Singh, J)

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