IN THE HIGH COURT OF JHARKHAND, RANCHI

W.P.(S) No. 4242 of 2018

Dr. Anil Bhushan Sharan, aged about 61 years, son of late Lal Bihari Sharan, resident of Murti Nagar, PO BCCL Township, PS Saraidhela, District Dhanbad 826 005 (presently posted as Medical Officer, Department of Paediatrics, Patliputra Medical College and Hospital, Dhanbad)

….. Petitioner

-- Versus --

1.State of Jharkhand

2.Principal Secretary, Department of Health, Medical Education and Family Welfare Department, Government of Jharkhand having office at Project Building, PO and PS Dhurwa, District Ranchi

3.Secretary, Department of Health, Medical Education and Family Welfare Department, Government of Jharkhand having office at Project Building, PO and PS Dhurwa, District Ranchi ……. Respondents

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CORAM: HON'BLE MR. JUSTICE SANJAY KUMAR DWIVEDI

For the Petitioner :- Mr. Rajendra Krishna, Advocate
For Resp.-State :- Mr. Awanish Shekhar, Advocate

7/15.12.2020 Heard Mr. Rajendra Krishna, the learned counsel for the petitioner and Mr. Awanish Shekhar, the learned counsel for the State.

This writ petition has been heard through Video Conferencing in view of the guidelines of the High Court taking into account the situation arising due to COVID-19 pandemic. None of the parties have complained about any technical snag of audio-video and with their consent this matter has been heard.

The petitioner has preferred this writ petition for quashing the charge sheet dated 10.07.2018.

Mr. Rajendra Krishna, the learned counsel for the petitioner submits that after 14 years of incident the charge sheet has been issued and that is why the petitioner has been compelled to challenge the charge sheet itself.

Per contra, Mr. Awanish Shekhar, the learned counsel for the

respondent State submits that the petitioner has absented without any reason for certain period that is why the charge sheet has been issued. He submits that the departmental proceeding has not been concluded as yet and in that view of the matter the power under Article 226 of the Constitution of India may not be exercised by the High Court.

In view of the above submissions and considering that only charge sheet is issued, the writ petition is disposed of with liberty to the petitioner to take all the grounds in the enquiry proceeding. It is desirable that after providing opportunity to the petitioner the enquiry proceeding shall be concluded at an early date.

With above observation and direction, the writ petition is disposed of.

(Sanjay Kumar Dwivedi, J)

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