

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4947 of 2021

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Mukesh Kumar Son of Vishwanath Baitha, Resident of KOHRA, Po-B.T.
KOHRA, P.S.-Parsa, District-Chhapra.

... .. Petitioner/s

Versus

1. The State of Bihar through the Home Secretary, Government of Bihar, Patna.
2. The Principal Secretary, General Administration Department, Government of Bihar, Vikash Bhawan, Bailey Road Patna.
3. The Director General of Police Bihar, Patna.
4. The Inspector General of Police, Magadh range, Gaya.
5. The Superintendent of Police, Nawada, Bihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Singh
For the Respondent/s : Mr.Lalit Kishore (Ag)

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
ORAL JUDGMENT

Date : 30-11-2021

State counsel accepts notice for the respondents.

Petitioner's counsel is hereby directed to furnish copy of the petition to the State counsel during the course of the day.

In the instant petition, petitioner has prayed for the following relief/reliefs:

“(i) Issuance of an order, direction or writ in the nature of Certiorari quashing Memo no. 3176/2020 dated 17.07.2020 by which the S.P. Nawada, has submitted so called “Enquiry Report” against the petitioner and others in Nawada district departmental enquiry (Proceeding) No. 74/19, against one Dinesh Kumar Singh, ASI, posted at Narhat PS at relevant time.

(ii) Issuance of an order, direction or writ in the nature of Certiorari, quashing Memo no. 602/2020 dated 27.07.2020, issued by the IG (police), Magadh Division, Gaya, by which



the IG(P), Magadh Division, has directed the SP, Nawada, to issue a show cause against the petitioner and other and within 7 days and thereafter send his opinion alongwith the reply of the show cause to the undersigned.

(iii) Issuance of an order, direction or writ in the nature of Certiorari quashing Memo no. 3498/2020 dated 05.08.2020, by which the petitioner has been asked to submit his show cause against proposed action in light of the enquiry report so submitted by the SP Nawada, to the IG(P), Magadh Division.

(iv) Issuance of an order, direction or writ in the nature of Certiorari quashing Memo No. 5318/2020 dated 14.12.2020, by which the petitioner has been asked to submit his show cause against proposed action in the light of the enquiry report so submitted by the SP Nawada, to the IG(P), Magadh Division, Gaya.

(v) Issuance of an order, direction or appropriate declaration that the so called report of the SP NAWADA dated 17.07.2020 is concerned, the same at best is a preliminary report upon which no departmental action can be taken against anybody.

(vi) Issuance of an order, direction of writ in the nature of Mandamus directing the respondents to supply the documents as directed by the petitioner to enable him to file his effective reply to the so called enquiry report before taking any final decision in the matter in so far as the petitioner is concerned.

(vii) Any other relief or reliefs as the petitioners may be found entitled to in the facts and circumstances of the case.”

The grievance of the petitioner is premature since the disciplinary proceedings has not attained finality. At this stage, learned counsel for the petitioner on instruction submitted that second show cause notice was issued on 05.08.2020 for which petitioner had sought for certain documents and it was not provided by the disciplinary authority. Therefore, the disciplinary authority is hereby directed to furnish the documents demanded by the petitioner if they are relevant and during the course of enquiry if such of those documents were relied, in that event, the



disciplinary authority is hereby directed to furnish the same to the petitioner.

On receipt of those documents petitioner is hereby directed to furnish his reply to the second show cause notice read with the Enquiring Officer's report at the earliest.

The disciplinary authority is hereby directed to not to take further steps relating to issuance of final order in the disciplinary proceedings unless the above formalities of furnishing documents and submission of reply to the 2nd show cause notice is submitted. Petitioner is directed to file his say on the 2nd show cause notice within eight weeks from the date of furnishing of documents.

With the above observation, writ petition stands disposed off.

All the contentions urged with the present petition is left over to be urged before the disciplinary authority.

(P. B. Bajanthri, J)

GAURAV S./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	02.12.2021
Transmission Date	NA

