

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1144 of 2021

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Vikash Shiromani, S/o Late KJ. Narendranath Vaidya, R/o 104, Kailash Palace, Jagriti Nagar, Near Ashiana Nursing Home, Magistrate Colony, Phulwari, Patna-800025.

... .. Petitioner/s

Versus

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

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Rajeev Kumar Singh, Advocate
For the Respondent/s : Mr.Ramadhar Singh, GP-20

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 19-03-2021 Learned counsel for the petitioner submits that the petitioner has limited grievance that the entire enquiry report dated 14.02.2020 has not been enclosed with the second show cause notice and, therefore, the petitioner has suffered prejudice. He submits that before taking any action after second show cause notice, the respondents are under legal obligation to provide complete copy of the enquiry report dated 14.2.2020.

Considering the aforesaid prayer made by the counsel for the petitioner, the writ petition is disposed of with a direction to the respondents to provide complete copy of the enquiry report dated 14.02.2020, if not already provided, within a period of one month from today and thereafter the petitioner shall



submit explanation to the second show cause notice within a further period of four weeks and thereafter the respondents shall take appropriate decision in accordance with law as in view of the law laid down by the Apex Court in the case of **Managing Director Ecil, Hyderabad Vs. B.Karunakar, Etc. Etc.:** (1993) 4 SCC 727 and in the case of **Union of India & Ors. Vs. Mohd. Ramzan Khan:**AIR 1991 SC 471, the disciplinary authority is required to provide copy of the enquiry report along with second show cause notice. Any departure thereof renders the departmental proceeding vitiated and as such the respondents are well advised to take appropriate decision only after providing copy of the enquiry report.

With the aforesaid, the writ petition stands disposed of.

(Anil Kumar Upadhyay, J)

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