

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4526 of 2021

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Dilip Kumar Jha Son of Late Munishwar Jha Resident of Flat No.-203,
Swadha Apartment, Ashiyana Road, Khajpura, Rukanpura, B.V. College, P.S.-
Shastri Nagar, District-Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Home Department,
Bihar, Patna.
2. The Principal Secretary, Home Department, Bihar, Patna.
3. The Principal Secretary, Home Department, Bihar, Patna.
4. The Director General of Police, Bihar, Patna.
5. The Additional Director General of Police (Headquarter), Bihar, Patna.
6. The Inspector General of Police, (Headquarter), Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Vinay Ranjan
For the Respondent/s : Mr. Anil Kumar, AC to SC-8

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

Date : 01-02-2022

The matter is heard *via* video conferencing due to
circumstances prevailing on account of the COVID-19
pandemic.

2. State counsel accept notice for respondents.

3. In the instant petition, petitioner has prayed for
following reliefs:

“1. That this is an application
for issuance of Writ in the nature of
certiorari to quash the resolution as
contained in memo no. 4328 dated
22.6.2020, as issued under the signature
of Special Secretary to the Govt. of Bihar,
department of Home (police), Bihar



Patna, whereby and where under, after issuance of charge sheet vide letter dated 30.8.2018, by arbitrary exercise of power, decision has been taken to initiate a departmental proceeding against the petitioner after purposeful delay of more than 2 years, as against the time stipulated by the State Government which is total 12 months for conclusion and for issuance of a consequential writ in the nature of mandamus commanding and directing the respondent authorities not to act on the initiation proceeding for it being in violation of the rules/provision as laid down by the Government and further for issuance of any other appropriate writ or writs, order or orders it may deem fit and proper by this Hon'ble Court."

4. Short question for consideration in the present petition is whether writ court can interfere with the charge-memo or not?

5. Apex Court in the case of ***Union of India & Ors. V. Kunisetty Satyanarayana*** reported in ***(2006) 12 SCC 28*** held that a writ court can entertain against charge-memo if there is any violation of rules and initiation of enquiry by an incompetent authority. Aforesaid contentions are not available in the present petition. Petitioner has not made out a *prima facie* case so as to interfere with the charge-memo. Accordingly, the instant petition stands dismissed.

6. At this stage, learned counsel for the petitioner requested to expedite the enquiry proceedings.



7. The Disciplinary authority is hereby directed to conclude the disciplinary proceeding within a period of six months from the date of receipt of this order.

(P. B. Bajanthri, J)

rakhi/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

