

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.21850 of 2018

Pravin Kumar Son of Brajendra Narain, Resident of Rajagan, P.O.- Mansi, P.S.- Mansi, District- Khagaria at present residing at Flat No.107, Mansarovar Apartment, Mahuabagh, P.S.- Rupaspur, District- Patna, at present posted as Assistant Engineer, DUDA, Gaya.

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The Principal Secretary, Water Resources Department, Government of Bihar, Patna.
3. The Joint Secretary, Water Resources Department, Government of Bihar, Patna.
4. Mr. Rajesh Kumar, Chief Engineer-cum-Conducting Officer, Water Resources Department, Govt. of Bihar
5. The Bihar Public Service Commission, Patna through its Secretary.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Binod Kumar
For the Respondent/s : Mr. Vikash Kumar- Sc11

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

Date : 09-05-2022

Heard learned counsel for the respective parties.

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

“(i) To set aside the letter contained in memo No. 1327 dated 16.08.2017 and whereby the second show cause has been asked from petitioner.

(ii) To issue an appropriate writ/order/direction, directing the respondents to stay the continuance of the Departmental Proceeding initiated in Form-K by resolution No. 71 dated 18.01.2017 on the ground that it is faulty departmental proceeding to the contrary issued by General



Administration Department under letter No. 15548 dated 06.12.2017, 1893 dated 14.06.2011 and rule of framing of charge under letter No. 322 dated 31.01.2011 and letter No. 10875 dated 24.08.2017 and Bihar C.C.A. Rules (17) (23).

(iii) To set aside the enquiry report dated 23.06.2017 which was submitted by the Enquiry Officer without affording the proper opportunity.

(iv) Any other relief or reliefs for which the Petitioner is found to be entitled in the facts and circumstances of the case.

(v) To set aside the punishments of dismissal from service of petition by the Water Resources Department by notification No. 1780 dt. 22.08.2019 (as contained in Annexure – 7) with all consequential benefit.”

3. Petitioner was subjected to disciplinary proceedings in framing charges on 18.01.2017 based on certain investigation report or preliminary report. Such initiation was not only against petitioner who is holding the post of Assistant Engineer and it was initiated against other officials like Arjun Prasad, Junior Engineer. Ultimately petitioner was punished with major penalty of dismissal from service on 22.08.2019 during pendency of the present petition. Thus, the petitioner has filed interlocutory application and it was allowed in respect of challenge to the dismissal order dated 22.08.2019 (as contained in Annexure 7).

4. Learned counsel for the petitioner submitted that the present matter is covered by earlier decision rendered in the case



of Arjun Prasad in C.W.J.C. No. 10733 of 2019 decided on 16.12.2021.

5. Learned counsel for the State has not disputed that the present petition is covered by the earlier decision passed in C.W.J.C. No. 10733 of 2019. In the light of the aforesaid submission on behalf of the respondents' counsel, the present matter stands disposed of in terms of the order dated 16.12.2021 passed in C.W.J.C. No. 10733 of 2019 read with C.W.J.C. No. 16258 of 2017 and L.P.A. No. 1161 of 2019. Whatever directions given in the aforesaid matter, it is applicable to the present case.

6. Accordingly, order dated 22.08.2019 stands set aside. The concerned authority shall take note of earlier decisions before taking any further action in the matter.

(P. B. Bajanthri, J)

GAURAV S./-

AFR/NAFR	
CAV DATE	
Uploading Date	14.05.2022
Transmission Date	

