

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3665 of 2022

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Alok Son of Late Birendra Prasad Singh Resident of A/84, Road No. 06,
Opposite DAV School, Police Colony, Anishabad, P.S. - Anishabad, District-
Patna - 800002.

... .. Petitioner/s

Versus

1. The State of Bihar Through the Chief Secretary, Bihar, Patna.
2. The Department of Home, Government of Bihar, through the Additional Chief Secretary
3. The Director General of Police, Bihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Surya Nilambari, Advocate
For the Respondent/s : Mr. Suman Kumar Jha, AC to AAG-3

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI

ORAL JUDGMENT

Date : 23-03-2022

Heard learned counsel for the parties.

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

*“The present writ application is being
filed for issuance of an appropriate
writ(s)/order(s)/direction(s), as the facts and
circumstances of instant case may require,
so as to grant the following reliefs:-*

*a) To set aside the departmental
proceedings initiated against the Petitioner
(currently Deputy Superintendent of Police,
C.I.D., Bihar Police Service) vide resolution
no. 5882 dated 09.07.2018 issued by the
Department of Home, (Police Branch),
Bihar under the signature of the Additional*



Secretary as being initiated on nonest grounds;

b) To pass any other order/orders in shape of a consequential relief to which the Petitioner may be found to be legally entitled to in the facts and circumstances of the instant case at hand.”

The petitioner has assailed the initiation of enquiry.

Learned counsel for the petitioner vehemently contended that there is inordinate delay in initiation of enquiry, therefore, matter is required to be interfered by this Court.

Perusal of the alleged allegations levelled against the petitioner, it is serious in nature, therefore, it is not appropriate to interfere with the initiation of enquiry. Moreover, Apex Court in the case of ***Union of India and Another v. Kunisetty Satyanarayana reported in (2006) 12 SCC 28 and Secretary, Ministry of Defence and Others v. Prabhash Chandra Mirdha reported in (2012) 11 SCC 565*** held that under what circumstances Writ Court can interfere with the charge memo. The petitioner has not pointed out any violation of law or jurisdiction of initiating of disciplinary proceedings/authority. In the light of these facts and circumstances, the petitioner has not made out a case so as to interfere with the initiation of the charge memo.



Accordingly, writ petition stands dismissed.

At this stage, learned counsel for the petitioner submitted that disciplinary authority is required to pass only a final order since the enquiry proceedings has reached the stage of issuance of second show-cause notice on 11.09.2019 and submission of reply/explanation to the second show-cause notice/enquiry report on 27.09.2019. The disciplinary authority has not acted on the petitioner's explanation in passing final order in the disciplinary proceedings. Therefore, the disciplinary authority is hereby directed to pass a detailed speaking order after due consideration of each of the contention raised by the petitioner against second show-cause notice and on enquiry report within a period of two months from the date of receipt of this order.

(P. B. Bajanthri, J)

Ankit/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	25.03.2022
Transmission Date	NA

