

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1053 of 2018

In

Civil Writ Jurisdiction Case No.14135 of 2017

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1. Dr. Rajendra Prasad Central Agriculture University, Pusa, Samastipur through its Vice-Chancellor, at Samastipur.
 2. The Registrar, Dr. Rajendra Prasad Central Agriculture University, Pusa, Samastipur through its Vice Chancellor.
 3. The Director General, Indian Council at Agriculture Research, Krishi Bhawan, New Delhi.
 4. The Dean Agriculture Engg-cum- Chairman, Enquiry Committeeman, Dr. Rajendra Prasad Central Agriculture University, Pusa, Samastipur.
 5. The Director, Administration Dr. Rajendra Prasad Central Agriculture University, Pusa, Samastipur.

... .. Appellant/s

Versus

Dr. Anil Kumar Singh son of Late Ramashray Singh, Resident of Village-Sherpur, P.S. Vidyapati Nagar, District- Samastipur.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. D.K. Sinha, Sr. Advocate. Mr. Chandra Mohan Singh, Advocate
For the Respondent/s	:	Mr. Ashok Kumar Chaudhary, Sr. Advocate Mr. Bhola Kumar, Advocate Mr. Akshansh Ankit, Advocate

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI

and

HONOURABLE MR. JUSTICE PURNENDU SINGH

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 19-12-2022

The present Letters Patent Appeal is against order of the learned Single Judge dated 14.05.2018 passed in CWJC No. 14135 of 2017.

The respondent-Dr. Anil Kumar Singh is stated to have committed certain misdeeds. In this regard, committee is stated to



have submitted report as to whether respondent had committed alleged misdeeds or not? On receipt of its report disciplinary authority proceeded to impose the penalty of censure under the Statute Bihar Agriculture University Act, 1987 under clause 13.9(2)(a)(i) censure. The procedure laid down in the aforesaid provision has not been adhered to while imposing the penalty of censure. On the other hand, what has been done by the appellant is that on receipt of committee's report a show cause notice was issued asking the respondent's explanation.

The learned Single Judge has taken note of the aforesaid factual aspect to the extent that there is no charge memo.

Learned counsel for the appellants submitted that imposition of minor penalty like censure charge need not be framed and show cause notice is sufficient.

Such submission cannot be appreciated in the light of the aforesaid provision of Bihar Agriculture University Act, 1987 read with Rule and other service conditions of the employees of the University while adopting Rules and in particularly Rule 13.

The University are well aware that they have invoked the aforesaid provision while imposing penalty of censure and they have suffered order before the learned Single Judge. Therefore, knowingly that they have committed patent error the



present LPA has been filed. We are of the view that this LPA has been filed on trivial issue. Further, it is to be noted that the penalty is only censure, therefore, there is no infirmity in the order of the learned Single Judge dated 14.05.2018 passed in CWJC No. 14135 of 20176. Accordingly, cost of Rs. 5,000/- is imposed on the appellants. Cost shall be deposited in the Patna High Court Legal Services Committee within a period of four weeks from the date of receipt of this order.

Accordingly, the present Letters Patent Appeal stands dismissed.

(P. B. Bajanthri, J)

(Purnendu Singh, J)

Vikash/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	
Transmission Date	N/A

