

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.633 of 2021

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Rajnish Kumar Son of Late Devendra Prasad Resident of Avasthi Ghat
Danapur, P.S.- Danapur, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Senior Superintendent of Police Muzaffarpur.
3. The Assistant S.P. East Muzaffarpur.
4. The A.S.I., Minapur Police Station
5. Radhika Devi Not Known Resident of Village- Daud Chapda, P.O.- Daud Chapda, P.S.- Meenapur, District- Muzaffarpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Kundan Kumar
For the Respondent/s : Mr. Manish Kumar, GP 4

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

Date : 17-01-2022

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

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

“i) For setting aside the enquiry report as contained in Memo No. 4129/East dated 09.10.2019, submitted by the then Assistant Superintendent of Police, East, Muzaffarpur (ASP East, Muzaffarpur) who hold an ex-party enquiry against the petitioner even without hearing the petitioner and further he carried out the enquiry on the basis of an un-affidavited application submitted by one Radhika Devi, which was fit to be rejected out rightly and no enquiry could have been held in view of the Resolution No.3/M- 7/ 2005 / Ka 945 dated 24.06.2005, issued by the Personal and Administration Reform Department, Government of Bihar, Patna as per the direction of the then Chief Secretary, Bihar, Patna.

ii) The petitioner further prays that the respondent authorities be directed not to take any action against the



petitioner on the basis of ex-party enquiry report submitted by the then ASP East, Muzaffarpur, as contained in Memo No. 4129/ East dated 09.10.2019.

iii) For any other relief for which the petitioner may be deemed entitled to.”

3. The thrust of the argument is that the applicant was held *ex-parte* in a disciplinary inquiry matter. Apex Court in the case of ***Union of India and Another Vs. Kunisetty Satyanarayana*** reported in **(2006) 12 SCC 28** held that Court should not interfere with the disciplinary proceedings unless and until it has attained finality. In the light of the Apex Court decision, the petitioner is at liberty to approach the Disciplinary Authority in submitting a detailed representation. If such representation is submitted by the petitioner within a period of eight weeks from the date of receipt of this order, the Disciplinary Authority is hereby directed to examine the grievance of the petitioner and pass order and communicate the same to the petitioner. The above exercise shall be completed within a period of three months from the date of receipt of the petitioner’s representation.

4. Accordingly, writ petition stands disposed off.

(P. B. Bajanthri, J)

GAURAV S./-

AFR/NAFR	
CAV DATE	
Uploading Date	19.01.2022
Transmission Date	

